The Washington Monthly

JUNE 1972/ONE DOLLAR

SUZANNAH LESSARD ON

WHAT'S WRONG WITH McGOVERN

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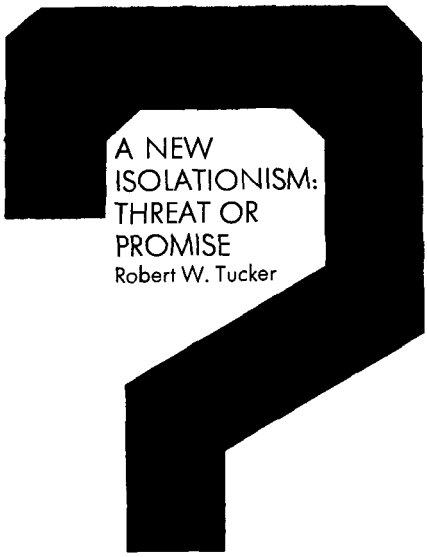

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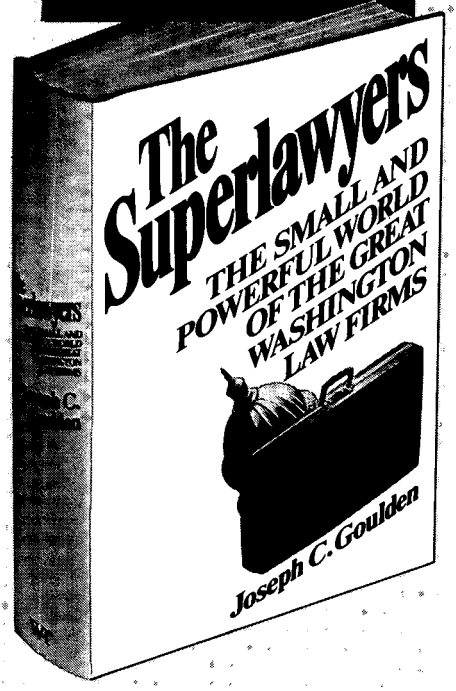

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Letters

No Hillbillies in Congress

It would be a fitting commentary to Suzannah Lessard's article, "Let Those Hillbillies Go Get Shot" (April, 1972), to append the summary of a *Congressional Quarterly* survey (February 13, 1970) which reported that only 3.6 per cent of the U. S. congressmen had sons or grandsons who saw combat in Vietnam. Of 234 draft-eligible sons of congressmen, half received deferment, and only 26 ever served in Vietnam. Of these, only one was wounded. Interestingly, Congress was confronted with these statistics during its debate on extension of the military draft this year. Even so, exposed and vulnerable, this body voted continuance.

GEORGE MARGOLIS
Hanover, N. H.

George Margolis teaches pathology at Dartmouth University.

The MacLeish Memorandum

I read your secret memorandum from the Treasury Department proposing the cancellation of the national debt ["The MacLeish Memorandum," May, 1972]. Was this memo authentic, or was it a put-on?

CRAIG R. KLEIER
Miami, Fla.

The editor replies:

The political scheme and the memo itself are fictitious, but the economic facts are all true and we meant the points about who benefits and who gets screwed by the national debt.

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What's Wrong with McGovern

by Suzannah Lessard

For most of us, George McGovern has been the Peace Senator, the quiet misfit of Capitol Hill, priest among warriors. Discovering that he has thought about being President ever since he sat watching the returns from his first congressional election is a little disconcerting, like finding out that your parents—or your priests—are real people. It's hardly McGovern's fault that the revelation has come so abruptly: he has been a declared candidate since January, 1971. But since nobody thought he could win, he remained a pristine, disembodied figure and his cause a lone crusade, not so much for the presidency as against the war, something one thought would flower only to touch one and make one sad again as it inevitably withered before the smoke and clanking machinery of the crasser, "serious" candidates.

Now the White Knight, suddenly unvisored, is revealed not only to have ambitious eyes riveted on the throne, but a vast army spread throughout the towns, hills, and villages—soldiers who unexpectedly appear in force with their own machinery and pull off mini-coups in the obscure corners of the heartland, to the astonished horror of the "regulars," who thought they would be left to their routine devices. So as the McGovern organization becomes legendary and the candidate's know-how and ability to pull off the improbable becomes a favorite topic of commentary—the old, taken-for-granted "goodness" somehow enduring—one is left with a new image of McGovern, that of a Trickster Saint with the personality of a pancake who has somehow captured the house, though tenuously, with his act. The picture is not untruthful, but it has come together so fast that surprise has left little opportunity to question what kind of President McGovern would make, why, if at all, we want him in the White House, and what he would do when he got there.

While following the McGovern campaign, I spent a bus ride next to a reporter in his early sixties. He asked me what I thought of McGovern, and I said I had some serious reservations. "So do I," he said. Then he elaborated. He didn't like McGovern's stand on withdrawal from Vietnam because he felt we owed something to the South Vietnamese—"We had some good reasons for going in there"—and he didn't like the stand on tax reform. He had a wife and a mother-in-law to support. All kinds of expenses. It wasn't easy. He made $36,000 a year.

Suzannah Lessard is an editor of The Washington Monthly.

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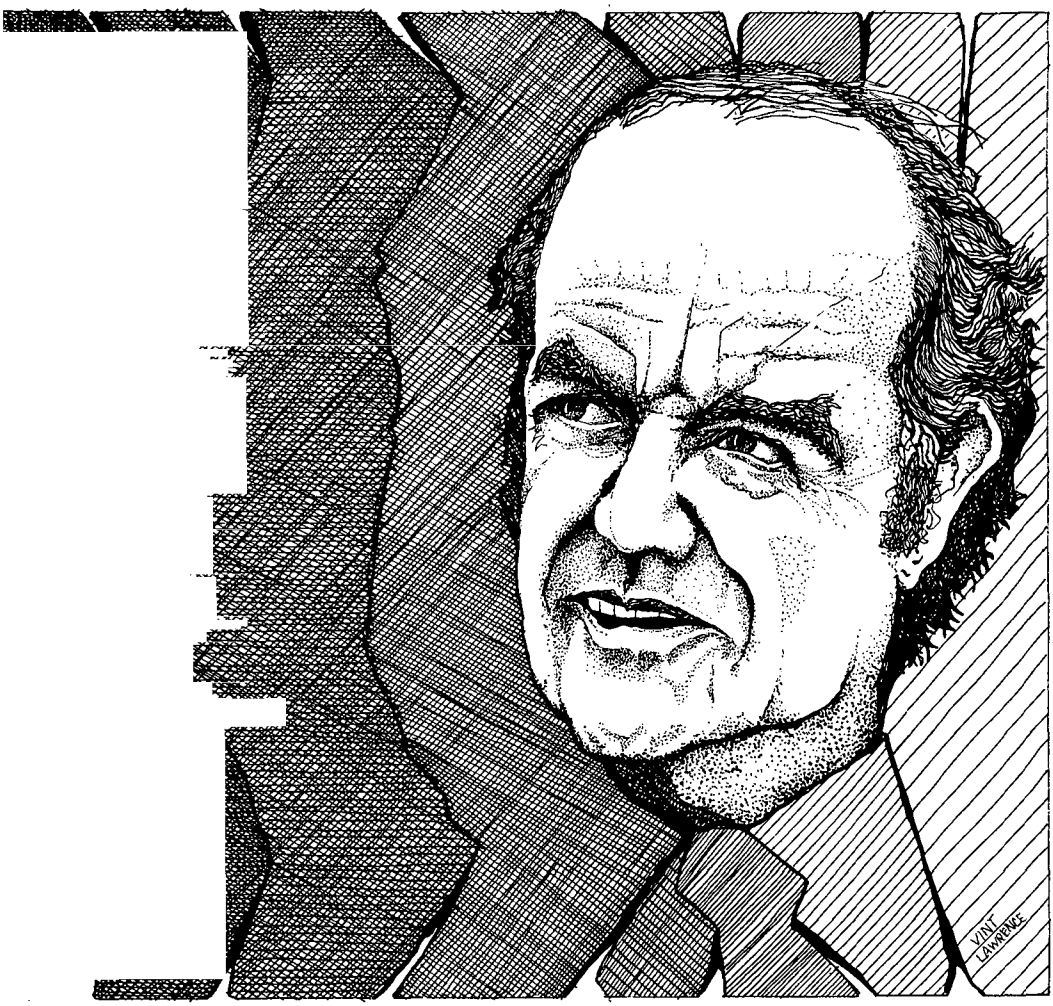

When I suggested that supporting a wife and mother-in-law might be considerably more difficult on $10,000, let alone $3,000, he guffawed, and he said he guessed so, but he didn't like McGovern's simplicity. He would go for Humphrey on his record. The quality that came across most strongly from this man was a kind of dried-up bitterness, a jaundiced view of the world and a clear distaste, even resentment, for any suggestion that things should, or for that matter could, be changed.

I do have reservations about McGovern, some serious, and in the process of sorting out my thoughts about him they sometimes seemed so serious that getting him elected looked pointless. The reporter on the bus caught me in one of those moments, but I came out of the conversation in a different frame of mind. Then, as now, I knew without question that I do want George McGovern in the White House. The reservations, largely the subject of this piece, in general are a fear that after the tremendous and elating effort to get a "good guy"—any good guy—in, many of the mistakes of the past, attitudes, assumptions, and habits of mind, will jeopardize the opportunity to reverse the course on which the country is set. The will to change things having been powerless for some time, and because the man in the White House has made any alternative look good, the process of self-criticism and self-examination in the leftward flank has gone into disuse. And not least among the mistakes of the past

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has been a reluctance to criticize one's own.

The adjective most used to describe McGovern is decent, and decency is what one sees, a proper person, respectable, chaste—adequate; a person with a fundamentally moderate mind which buffers itself against the cutting edge, who will stand on a point if he has to, but who is attracted wherever possible to the softer, vaguer statement, not only out of political exigency, but because he is more comfortable there.

A Radical Whisper

"It just proves once again that you can say radical things as long as you say them in a moderate tone of voice," said a happy staff member after a McGovern appearance at a Knights of Columbus breakfast in Medford, Massachusetts. The middle-class Irish and Italian crowd had indeed responded warmly—but he had hardly said anything radical. He had introduced Bobby Kennedy's oldest daughter, Kathleen, who was campaigning with him, evoked his friendship with her father, quoted JFK—and Pope John to boot—described Teddy as "tough-minded and tender-hearted" like his brothers, and then proceeded to deliver a speech which revolved rather sloppily around two contradictory platitudes—that it's time to bring all the diversity together in the name of commonality, and it's time to recognize that "America's greatness lies not so much in its sameness, but in its diversity."

Nevertheless, it was an impressive performance. Someone who had grown up in the area said he was amazed that McGovern had broken through to the crowd, and laid it to his ability to "appeal to the best side of them. They're not flag-wavers, but they could go either way." McGovern elicits long-dormant feelings in Democrats—that of being rather unspecifically on the side of good and right, of being at once progressive and somehow personally vindicated. The closest he came to a radical association at Medford was in quoting Jesse Jackson, whose name didn't seem to be recognized, to the effect that everybody in the country ought to be able to say "I'm somebody." Then, within this cozy framework of diversity and alikeness and "I am somebody," he did say that the common good requires that there be "decent jobs for all who want to work, that each child's school be equal to another's, and that each community have health care." Over and out. A longish-haired priest concluded the event with a prayer: "We thank you for the commitment we have just made to a better America."

There is far more substance to his platform than the speech at Medford would indicate, but McGovern's tone is deeply characteristic—soft-pedaled, roseate, never the intellectual flash of steel that cuts into the future, the shocking idea that penetrates to the quick of the system. Despite the myth cultivated by some of his supporters that McGovern is the peaceful revolutionary of our dreams, there is little about him that suggests either a radical mind or personality. The dominant impression one comes away with is of an honest, old-school liberal, somehow evolved straight from Henry Wallace days without suffering the traumas which have shattered the liberal faith in the last decade.

They Like the Porridge

If his soothing language of good will leaves one doubting whether McGovern is the beacon of the future, it does achieve one invaluable effect. Contrary to the widespread assumption that he could appeal only to students and intellectuals, McGovern seems able to bridge the deep class rifts, the knee-jerk antipathies which respond to issues not as substantive problems, but as labels connoting a wide range of undefined fears. At night rallies in Worcester, Lowell, and Springfield, Massachusetts, the packed

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halls that greeted him seemed to hold the full range of ages and classes, plenty of long-haired kids whistling and screaming for him, but impressive representations of the proper middle and working classes.

When presented with a good crowd at night, McGovern's adrenalin goes up visibly and he switches from the Medford style to a much more oratorical, full-blooded manner, not without a whiff of the demagogue, a touch of Elmer Gantry to his Saint Francis. The technique consists essentially of stringing together one-liners: "Let us pledge right now that never again will we send the young men of this country to die in order to prop up a corrupt, dictatorial government 10,000 miles away," or "If elected, I will never advocate in private a policy which I'm afraid to advocate in public." Given the right crowd, each line gets a roaring, thigh-slapping, reception. (To those of us who think of him as a pious professor, the effect is comic, further enriched on one occasion by wildly bobbing placards reading "George, King of the Jungle" and "George, the Dragon Slayer.") McGovern, generally the same unperturbed nice guy regardless of his surroundings, clearly turns on to this kind of whoopee, even loses his head a little, repeating himself, and developing cracks and tremolos in his voice. But invariably, at the moment when the mood begins to crest, he does a curious, most unpolitician-like thing. The King of the Jungle pours cold porridge on them, comes out with some dull remark so utterly uninspired that even the most frenzied listener falls silent. The apparent effect is that of disjointed theater, a bad mistake which, to a neutral observer, causes the performance to fall apart, especially since his speeches are not distinguished by structural unity. But those are the moments in which the more stolid faces in the crowd open up to him, in which the drabber figures sitting with their arms crossed and lips pursed seem to come over. They like the porridge.

These incidents are not particularly significant in themselves, but they are manifestations of McGovern's character, and clues, perhaps, to his success. He is by no means immune to the extravagant, but he distrusts it and intuitively draws back. His instinct to calm and smooth always pulls ahead of the instinct to excite. The net effect is to win a kind of confidence from an extremely suspicious constituency. The proof is not in the theater of small-town auditoriums, but in the heavy ethnic and blue-collar vote which registered, unexpected, at the polls of Massachusetts and Ohio. "People say he lacks charisma," I remarked to a young supporter at a shopping center where McGovern was indeed being his old uncharismatic self. "I agree," he said, "but my mother, that's exactly what she likes about him."

Shaking Hands with the Wind

The jagged gap between classes and age groups has hardly been solidly bridged by McGovern or anyone else; the small section of the campaign trail which I followed also brought me up against stern reminders of how bitter and deep it is. A swing through the state brought us into jarring contact with two Pennsylvanias. The clean, little towns set in the picturebook countryside with their well-preserved brick and wooden buildings blending nicely with modern testaments to on-going prosperity, everything pleasantly inhabited, maintained; there the stereotype of a McGovern crowd, the modestly affluent, young, and faintly hip would fill the town squares to hear him. The scene in Pittsburgh was another world: a dingy street of buildings that seemed at once deserted and over-crowded, lined sparsely with baggy-clothed down-and-outs and at the end a factory "gate," actually a short tunnel through an embankment. An incongruous bevy of young admirers pressed around McGovern. "Don't monopolize him, let him talk to the workers," scolded an older

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campaigner, so they let him, but the sullen street folk were quickly used up and McGovern was left to stand vacantly at the gate waiting for the four-o'clock shift to come out.

It finally came, mostly in vintage Buicks and Chevys which crept through in an aura of exhaust distinguishable even in that murky air. Others came on foot, a pale stream of bodies carrying lunch boxes, and they didn't have much to say to the politician who had come to court them. Many stared resolutely ahead as they rushed past, some shook his hand as though they had caught their fingers on a branch in passing, and some muttered or threw back a remark such as, "Think like Wallace, McGovern, and you'll be all right." They were, for the most part, belligerent, intractable, bitter people, and with reason. As the stream was petering out, a huge, black diesel truck came through the gate loaded with long, new, and perfect steel tubes. It made everything else, the street and the people, look faded and discardable like an old photograph, which is probably how they felt.

McGovern stood there to the end, not visibly embarrassed or disturbed by the failure, doggedly trying with each person. The incident provoked a split reflection. The alienation of these people is among the most grievous manifestations of the country's bad health. McGovern may have failed in Pennsylvania where he didn't spend much time, but he has succeeded elsewhere. He has shown that he can pull them in, along with the disenchanted young, the pretty people, the Knights of Columbus, and activist blacks. Anybody who can do that must be moving at least in the direction of discovering an alternative to the debilitating acrimony. On the other hand, one cannot help but wonder if moderate words and action can possibly make any real difference to those Pittsburghers.

McGovern has emerged as a hard-core representative of just about no one. What he has achieved, miraculously, thus far, is to be suitable (a synonym for decent) to a wide and divided spectrum of groups. Black supporters of McGovern, for instance, even members of his staff, consider him soupy on black issues, and unaware of the hard lessons of the last few years. But they find him suitable as a vehicle to work through to get black McGovern delegates who will go to the convention and hopefully wield the black power they feel McGovern doesn't understand. In the same way, he will probably be suitable to the radical young, whatever concessions he makes to the establishment, and maybe even to the workers, despite stands on amnesty and abortion. If that turns out to be so, then he's a godsend who, by spanning those divisions, can at least raise the hope of bringing the country back to health.

But can the country be brought back to health without fully addressing the often blurred, but angry questions that have been raised in the bitter and upsetting last decade? Those questions may be quieted with modest adjustments along old lines, but as long as they are not answered, they will be at best sleeping dogs in the society. On the whole, McGovern responds to the upsetness in the country not by confronting it, focusing it, and trying to take it somewhere, but with Pepto Bismol. A part of one could not help but feel that the Pittsburghers who gruffly passed him by that day were responding appropriately.

Bumping to Israel

The instinct to pull back and moderate is admirable when applied to calm an emotional crowd. A habitual way of developing and relating to ideas, it can be admirable—certainly you want one like that on every team—but as an intellectual instinct, the quality has distressing inadequacies which have been most keenly felt in recent years. McGovern is the old liberal in the sweetness of his visions—"I noticed a number of

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women around the Veterans' hospital who weren't nurses," he said, apropos of unemployment. "They come one day a week to bring stationery and magazines. There could be lots of things like that funded by the federal government." He is also an old liberal in his resistance to anything that smacks of ideology and is proud of it: "One of the reasons I don't want labels is that I want to feel free to embrace a number of systems. We have a mixed system. I don't want to pour myself into an ideological mold. I want the kind of approaches which will get the best results, no highly rigid thought system." This is the genuine article, the dyed-in-the-wool phobia, not just of dogma and exclusive systems, but of generalizations, of "basic" concepts, of linking ideas. Rather than looking for contradictions, it prides itself on being able to absorb them. So the mind operates like a blind bear in a cave, bumping off walls, gathering piecemeal perceptions, but almost on principle not trying to put the information together or look for the relation between one bit of wall and another, and certainly never drawing a map. You get about by perceiving the cave as a jumble of unconnected alternatives.

For instance, of all subjects, McGovern has to have thought long and deeply about foreign policy and, in particular, Vietnam. Yet, when I asked him what lessons we could draw from Vietnam in the effort to shape a new foreign policy, he said, "I think we should be very careful about intervening in civil wars, especially when the government is crooked. . . . Under most circumstances we should not intervene in a civil war." No questioning of the assumptions, of the self-image and world-view which led us into the mistake, no attempt to root out those assumptions which might be equally fatal in an entirely different situation. The closest he will come to a general statement is that we must "move away from anti-communism as the sole basis of American foreign policy." Along the same lines, I agreed with him that we probably had to provide Israel with arms, but complained that he betrayed no twinge, not the faintest sense of feeling the wrongness, in a particular situation, of sending out guns, however necessary, to a part of the world instead of milk. "In Israel there is no civil war," he said. "We helped to bring the country into being with other countries. We haven't been asked to send any troops, any advisors." It's not that he must have an answer, but it's disappointing that he doesn't ask the questions. He bumps off Vietnam and bumps the other way on Israel, but whither he bumps is studiously undefined.

If, on close inspection, McGovern's ideas on foreign policy seem a little vapid, his image as the early, courageous opponent of the Vietnam war is central to his appeal. This doesn't defuse the questions to be asked about the whole school of Senate doves, of which he is certainly one of the best. The fundamental timidity (why was it only last year that anyone decided the issue was serious enough to filibuster?) and the absence of a concentrated, sustained effort to pass effective legislation—the kind of effort the same people put into such challenges as the defeat of Carswell—make the touted courage and dedication look flimsier than is generally thought. These are questions not about integrity, but about the liberal mind, and they become questions about McGovern as President—not so much in the area of foreign policy, but generally as to what level of fight he is willing to take on to implement his beliefs when, from the other side of the fence, he encounters an intransigent Congress. But all this notwithstanding, it remains that his original appeal has been his stand on the war. We decided that he would be the Savior were he not too avant garde to win on the basis of his position on Vietnam: his character on other issues was never really a subject of scrutiny. If we ever thought of him in the Oval Room, he was getting us

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out of Vietnam, a rather narrow description of a President. Now that it looks like he really might make it, it seems to me that the most effective way to take a fresh look is to imagine that the war is over, and then see what you've got.

Challenge at Goodyear Tire

The white-faced steelworker coming through the tunnel is the node of our society. He is where you take the reading. If things are wrong for him, they are going to be just as wrong for blacks, Indians, Chicanos, and women, who at the moment are consumed in the battle to achieve equality with him. The radical young on the other side of the spectrum prove that affluence is not the answer, but seeking to define with abstractions their vague, unrestricted zone of deeply charged emotional dissatisfaction, they give erratic readings. He, in his strictly defined place between the blessed and the cursed, is at the crunch of the system, the tight dial with the close needle.

Against the heavy-duty gleam of what he makes—the steel, the black liquid rubber, the newly minted auto parts still wet with a birth-film of oil—he looks terrible, not just drab and unhealthy, but wrong in his face. It's a trite observation, maybe, but it settles into the back of one's neck, building up. It's here, right here in these contrasts, that the back of your neck tells you things have to be busted wide open. The best way to evaluate McGovern is right here.

The heavy timber in the McGovern platform is definitely laid out around the worker. Tax reform, minimum guaranteed income, and economic conversion not only relate to the problem but relate, however loosely, to each other, hinting that the tendency to treat things piecemeal is not incurable with McGovern. Furthermore, the indications are that he personally recognizes the worker as the focal point of national distress. There is a heavy sprinkling of factory stops on his daily schedules. He needs the blue-collar vote, granted, but he does more than he has to. Factory visits are tougher than most, and McGovern, not terribly fond of pushing himself forward, is particularly unhappy among people who are not like him. He is uneasy with the nuts and mockers in a slum, and the tight-lipped, suspicious factory worker is not much more inviting. But he goes.

And, I believe, his concern is felt. When one talks to McGovern or watches him talk to others, a part of him seems very far away. Some say that's South Dakota, others that it's a common trait of politicians. It may just be the effect of campaigning, but whatever the reason, it's alarming because you don't feel he's reachable. He's kind, he listens, and he looks you in the eye, yet there's a pane of glass between him and whomever he's talking to. In my interview, however, there was one point where that air of dissociation broke down—when he was talking about the factory people. After speaking with palpable feeling about the heat and dust in a Goodyear Tire plant we had visited, the burns and missing fingers, the monotony of the work, and the minimal effort to make conditions more pleasant, he said, "It just reminded me that there is a painful gap between those of us who wear white collars and those who wear what are called blue collars." That is straight, good-liberal talk, but then he said he had been thinking about a "second-chance proposal for adults to borrow money from the federal government to go back to school. . . to give people a chance to break out of the factory for a while."

This is a limited proposal, but it gets beyond the conventional concern with "conditions" to one of the most vicious constrictions suffered by the worker—the trap-like nature of his situation. It's directed at a man's life rather than just the circumstances in which he lives it. That McGovern's imagination forages in this direction is a heartening indication that he looks

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beyond the strictly economic dimension to meet the challenge at Goodyear Tire. His proposal for a guaranteed minimum income, backing up a radically reformed tax structure, also looks toward the larger dimension of the challenge. This would cut through the monumental tangle of ineffectiveness of the present welfare and social security systems, but break the life-traps with a real measure of autonomy. The small shopkeeper, the small farmer, the individual caught in the factory who wants to try something else but doesn't dare because failure would mean ruin, is given a breathing space, however small, that wasn't there before. He can move without courting disaster. Self-determination begins to become a real word. These ideas follow the question not of how much do we have, but of what's your life like? What is it that's causing that wrongness in your face?

Yet, in his general vision of the economic future, McGovern is apparently bound into some of the most impoverished ideas of the liberal legacy. Basically, he projects a massive conversion from a defense economy to production that serves human and environmental needs—in which Lockheed will be making medical equipment—and a hugely expanded public service program, funded by a 40-percent cut in the defense budget, to create jobs for the unemployed. The kinds of jobs he mentioned to me were tutoring, work with addicts, paraprofessional medical work, park maintenance, and visiting veterans in hospitals. One can only respond with appreciative disbelief. As a friend put it, conversion sits in the mind somewhere near disarmament. McGovern's thesis that if the government offers the contracts, the companies' appetite for business will cause them to agilely adapt themselves, and smokestack filters will bloom where missiles once grew, strains credibility. No more reassuring is the idea that the people thrown out of work by the tremendous upheaval such a conversion would cause can be neatly absorbed into government-funded jobs. As for those jobs, one can almost see the mechanical songbird fluttering about the stage set where people rake leaves gayly and hand the doctor his scalpel proudly. (The good magazine-toting ladies of the veterans' hospital as a model for the new work is almost too painful to mention.)

Leaving the quaintness of this scene aside, there are two fundamental aspects of this design which are disturbing. First is the acquiescence to, if not positive embrace of, tremendous organizational size both in the private and public sector. The picture of vastly expanded government employment merging into an economy where huge, already unwieldy, horribly inefficient monoliths like Lockheed are preserved, supposedly kept in line by a newly powerful and disciplinarian government ("There is no guarantee against featherbedding and cost overruns," McGovern admitted. "Proxmire has made a number of recommendations to tighten it up") is a vision of cumbersomeness beyond reprieve. But even more important, if one can in a sentence identify what is wrong with the present arrangement, it is that politically, culturally, and psychologically the individual has lost leverage in his own world. Working in, dealing with, and living under organizations of a size far beyond his control, he has been rendered helpless and anonymous.

A Dash of Pepto Bismol

Quite separate from these considerations of what it's like to live with these unresponsive mega-institutions is the economic debate between the theories of semi-nationalized bigness controlled primarily by a strong overseer government and that of smaller units curbed partly by the "natural" laws of capitalism, with less emphasis on government control. A winner has hardly emerged from that debate, and McGovern's clear affinity for the former side of the argument

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can certainly not be condemned out of hand. What troubles me is his disregard for the non-scientific reasons behind the latter side of the argument. His brief, erratic flirtation with antitrust is a case in point.

Until recently he was cool on antitrust and clearly attracted to trying to get the huge corporations to behave through government controls, leaving their size intact. Then, well into his campaign, he decided to co-sponsor the Harris Concentrated Industries Act, which would make it imperative for the government to break up oligopolies where four or less firms controlled 70 per cent or more of the market in a given field. Thus, antitrust became a somewhat inconsistent, but prominent, part of his battle array. Then, very recently, the inconsistency must have gotten to him, for the antitrust lance has been abruptly taken to the rear of the formation and not so discreetly hidden. In an interview with Hobart Rowan about a month ago, McGovern was asked why he was co-sponsoring such a bill. McGovern replied, "To tell you the truth I can't remember. . . . Yes, I guess I am." When I asked him about his co-sponsorship, he said that the bill left prosecution to the government's discretion, to be applied only where it is determined that prices have been affected by the oligopoly, a statement which is simply mistaken, though far more consistent with his position. "I really think the key question is what are we going to produce, and the second question is how best to produce it. Third, how can you do this in the fairest and most effective way, and that gets into the question of bigness, which Fred Harris has been concerned about. There I think we should move against corporations to reduce their size if it's proven that their size influences price. Now it may be that the function of the Antitrust Division is to serve notice that these prices are overblown. It is desirable to have small business, but I would not be nearly as worried about big corporations if I thought they were giving good service and good prices."

Price is not the only reason to be concerned with bigness. Far more important are the combination of concentrated power and wealth with unaccountability, and the other side of unaccountability, the lack of personal responsibility on the part of those from top to bottom who are part of the monster enterprises: in short, what it's like to work in or live under the mammoth corporations, especially as the options to do otherwise close down one by one. Antitrust may or may not be one of the ways to start tackling the problem. The point here is that when talking about how to deal with the problem of bigness, alternatives should be discussed with an eye to far more than the issue of price.

The Old Featherbed

The second disturbing aspect of McGovern's design is his view of work in the new world he proposes to create. The strictly hierarchical construct, the steps in the ladder, encapsulated in the word "paraprofessional"—in which a whole new level is slipped into the gorged bookcase, appended to an upper shelf, or in which little clusters of second-rate workers are leeched onto each grain of "professionalism" to suck some kind of second-hand gratification, to achieve a once-removed sense of purpose—is the product of a mind which has not thought the problem through to see that the conventional organization of work has become increasingly untenable.

McGovern's minimized concern with featherbedding at Lockheed is another example of his unawareness of the problems of work in the modern world. McGovern himself has described the defense companies as more like appendages of the government than private concerns. What thousands of engineers, whom we consider "professionals," have found themselves doing was non-work, an

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overlapping generation of trivia. They are thus reduced to interchangeable ciphers, who, because what they actually do (or did) is so vacuous, have no bargaining power in their world. Competence, excellence, and imagination become meaningless—totally irrelevant to the situation. What one "does" in such a situation is to occupy a niche. One's career is keeping the niche. This situation already has endless counterparts throughout the interminable stretches of business as well as government. One doesn't have to stretch one's mind to see the scene further glutting, as this grand-scale government operation stuffs endless streams of people into these new niches McGovern suggests be created. It's not that there isn't work to be done, but that it has to be carved up in totally different ways, giving, to stab at a huge subject with a few words, the individual as much autonomy, responsibility, and accountability as possible.

The conventional mindset also came out in McGovern's response when I asked him his views on profit-sharing and worker ownership: "I'm not sure that's the best answer," he said. "What would be more attractive to me would be the opportunity to raise my status." The remark was disappointing to me, first because it seemed a predictable shying away from the concept directed at rearranging from within—a corollary of the fear of ideology—in favor of solving the problem by adding something, thus miraculously escaping a fundamental conflict of interest in this case between profitmakers and worker welfare. But regardless of his ideas about some kind of worker ownership and control, the automatic recourse to the concept of status is another tip-off to the hierarchical values he brings to the work problem.

Freezing the Pie

Menial, even brutal, work-lives have been considered acceptable in a society which prides itself on at least a certain degree of social consciousness because there was always that chance of moving up. The chance to move up was everyone's piece of the action. As long as no one was stuck, as long as the street sweeper could hope that his son would do better, his condition was not considered unfair. The religion of upward mobility has had two effects: to engender social tolerance for often intolerable conditions and to erode whatever sense of worth work on "lower" echelons might have given the worker. With one's eye on the next position, one is less likely either to demand that life in the present position be better or to especially identify with the work you happen to be doing. Consequently you ask less of it. As it becomes clearer that everybody cannot be endlessly upward-mobile, a whole set of new questions arises about areas of life and work previously regarded as stepping stones. Perhaps the common denominator behind these separate mind blocks is McGovern's resistance to the idea that the economy cannot go on expanding indefinitely, that we face a crisis in the religion of progress: "I think it's possible to have an expanding economy by reducing pollution," he said when I asked him for his thoughts on what new dimensions we would have to discover to substitute for the belief in growth.

As long as you believe in an expanding universe, then the individual seems less threatened because there is at least the illusion of room for him to move in, that extra dimension of possibility in life without which human beings become corrupt and phlegmatic. As long as you believe that, then the obvious solution for the excluded seems to be to get them onto the ladder. But as soon as you mentally freeze the pie, then the fundamental inadequacy of such solutions immediately becomes apparent. Then featherbedding, for instance, is not a mere matter of inefficiency but a kind of permanent filling. Hierarchy then becomes a counterproductive caste system. And, most important, it

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becomes glaringly apparent that the system has developed a threat to individual dignity, autonomy, and fulfillment. McGovern is by no means totally devoid of sensitivity to these questions. In further elaborating his answer to my question, he slips in and out of the old mindset. "Even assuming we level off, there still has to be a redistribution of the share. We must shift resources out of concentration at the top. We also need to work on recreation. If, in fact, we do want to expand production, we might consider reducing hours. That is one way to cut the drudgery." It's a garbled series of remarks, not lacking in glimpses of the problems outlined here. But the vision of expansion is the dominant strain.

The Best Road from Insanity

So, does the McGovern picture answer the reproach of the worn, bitter steelworker? The texture of that anger suggests far more than discontent with unfair taxes: the powerful response to Wallace comes from people who have felt lost and voiceless and whose strong feelings have been treated as irrelevant. The society of mega-institutions, slightly correcting but not really changing the status quo, would seem more likely to reinforce that unbearable sense of anonymity, of disenfranchisement, than to remedy it. The texture of that anger also suggests that it must be harnessed productively towards change rather than soothed and buried with "sensible" (the word most people choose to describe McGovern, according to Pat Cadell, his pollster) talk. McGovern, the old liberal, the man who proposes a guaranteed annual income and then suggests raising Social Security as an alternative, who suggests instituting an opportunity to break the work-traps of middle age and then describes his program as a way for people to raise their status, the man who with soft edges makes himself suitable to most sectors of the social spectrum, while speaking directly to none of them, does not seem likely to be even the beginning of the answer. McGovern intuitively favors the intelligence, order, and efficiency of control from above, as opposed to trusting the more chaotic impulses from below to shape the world, and that, I suppose, could be described as a mind more socialist than populist. There, intuitively, I disagree with him. But it's those points where his goals, rather than his methods, seem badly out of joint that undercut one's hopes. And it's the points on which his imagination bumbles and forages around those goals, and he does seem to bumble and forage, that hopes revive.

Yet even if those hopes are groundless, I want George McGovern in the White House. For one thing, he will do his utmost to get us out of Vietnam, and free of the war, life in America can be a very different matter than it has been. A pro-McGovern friend, reacting to my attitude, said: "Politics is a mosaic. It's the small correction, not the broad stroke. That's what you have to be willing to fight for." The inadequacy of the incremental advance is at the heart of the inadequacy of traditional liberalism, yet one cannot discount the genuine importance of the myriad corrections a McGovern Administration would bring. All those piecemeal areas of government—appointments to the Supreme Court, to cabinet posts, decisions on where to cut the budget and where to add to it, people in the decision-making forum who look to the interests of the poor and the ordinary citizen, as opposed to the Peter Flanigans or John Mitchells—all the everyday processes of government which take their color from the President and the kind of people he draws about him will be used for a different purpose. That reversal of intention in the center of power will alter the chemistry in the country, creating an atmosphere in which, released from the battle against insanity, the energy for change can go to work.

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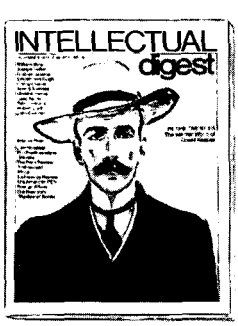

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Tidbits and Outrages

Return to Voluntarism

The city of Houston, Texas, preserves a spirit of voluntarism by asking its major industries to evaluate their own worth for tax purposes. According to the Houston *Chronicle*, City Tax Assessor Casey Fannin says that no appraiser on his staff is qualified to place a tax valuation on industrial facilities, so "we just have to take their word for it."

Evidence Close to Home

Throughout its long controversy with Ralph Nader, General Motors has maintained that it never had test evidence indicating that the Corvair's wheels are hazardous. In his new book on Nader, however, Thomas Whiteside quotes a high GM official to the effect that the company's attorney in charge of general litigation, who defended the Corvair in court, wanted to recall all the Corvairs until the wheels could be fixed. Eileen Murphy, who directed the famous General Motors undercover surveillance of Nader, told Whiteside that the company attorney, Daniel Boone, took a Corvair to the GM proving grounds himself—where he flipped over and crashed. Before he could accomplish anything within the company on Corvair safety, he died of a cerebral thrombosis, January 11, 1965.

Buried in the correspondence from *Time* readers was the following letter from Italian author Oriana Fallaci:

As an Italian, as a longtime war correspondent in Viet Nam. . . I have to answer the sort of judgment made by the unnamed Rand Corp. analyst who said that the South could hold out against the North Vietnamese ". . . unless the North Vietnamese are all Prussians and the South Vietnamese are all Italians."

I assume that he refers to the fact that the Italian soldiers fought with total lack of enthusiasm during the second World War and particularly in its last phase. Yes, indeed they did. They showed the same lack of enthusiasm that the American soldiers have shown in Viet Nam. Many times, while following your G.I.'s in combat, I have had the impression that I was seeing Italians and not Americans. Do you know why? Because both those Italians and those Americans were fighting a war they did not believe in, a war they were ashamed of.

All in Good Time

The NBC News of May 3, 1972, zooms in on the U. S. evacuation of Kontum, under heavy enemy attack. Vietnamese civilians who were employed by Americans in the war effort are scrambling for the helicopters, but they are being turned back. Another picture shows bulky metal file cabinets being loaded onto the helicopters. There are priorities, the announcer routinely intones. Classified military documents go first, equipment next, and then, space permitting, people.

The Price of Boredom

Since draft calls have fallen off, the Army Reserve has been forced to launch a major ad campaign to attract new enlistees with the carrot instead of the stick. The theme of the media blitz is "It Pays to Go to Meetings," and the Reserve backs up this claim by using public funds to announce that a private's pay has just been raised from $19.16 per weekend to $42.76. This bonus is needed to get men to endure weekly boredom in the Reserve, which doesn't train very hard because it doesn't do anything.

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Showcase of Shareholder Democracy

By a 45-to-1 margin, stockholders in Warner-Lambert rejected a proposal that the drug company give doctors in foreign countries the same warnings about dangerous medicines that it gives doctors in the U. S.—according to Morton Mintz. The proposal, which specifically dealt with an antibiotic that has caused fatal blood clots in hundreds of users, was presented by a stockholder group desiring to increase corporate responsibility by taking decisions directly to the shareholders.

In the same proxy, another proposal, that the company study whether its drug advertising induces people to use too many barbiturates and amphetamines, failed by a margin of 30-to-1.

It's Not Whether You Win or Lose

George McGovern had mixed success in the primary fights of May 9. In the Nebraska primary, as the Washington *Daily News* reported, "McGovern Is Hurt by Narrow Win," explaining that the "narrow edge was a distinct setback. . . ."

Meanwhile, the Washington *Star* headlined, "McGovern Posts Impressive Nebraska Victory."

If you got down far enough in the stories, the two papers reported that the returns—41 per cent for McGovern, 35 per cent for Humphrey—were identical for both primaries.

Lagos in Perspective

Last year, AID officials made more visits to France, where we don't have a foreign assistance program, than to Nigeria, where we do. While AID personnel took 96 duty trips to Paris and 68 to London, they traveled to Nigeria 51 times, Tanzania 21, and Ghana 47.

In an attempt to take a fresh look at the development problem, AID meetings in Paris were held to discuss the plight of the following countries: the Philippines, Turkey, Ceylon, India, Pakistan, Cambodia, Ethiopia, Nigeria, the Congo, Morocco, Tunisia, and Colombia.

Social Life in Washington

Bob Walters of the Washington *Evening Star* recently wrote a story about how ITT executives describe the exhaustive social schedule they must maintain. He cites one memo from T. H. Casey, whose job is to help get defense contracts for ITT: "It is necessary to have business and social contacts at the highest level in the Department of Defense. On the average, Mrs. Casey and I attend at least two receptions or dinners a week, representing ITT. This is in addition to hosting dinner parties and other affairs at our home (on a monthly basis)."

Things are much rougher in ITT's international division, where K. J. Vigue reports that "we are required to cover six to nine embassy and social engagements, receptions, and dinners per week, plus the hosting of dinners for visiting foreign VIPs."

The congressional relations division won't tell exactly how much time it spends toasting the lawmakers, but B. C. Willis did write that "a good deal of such social contact, as well as substantial business, is achieved during evening encounters at dinners and receptions."

ITT executives take advantage of one fact about important Washington people—they are drawn to gatherings of other important people like filings to a magnet. Thus, ITT Vice President Bill Merriam was on assignment last month at the Italian Ambassador's dinner party for Jack Valenti. According to *Star* reporter Betty Beale, he mingled with people from the following fairly typical guest list: former Xerox president Sol Linowitz, CIA director Richard Helms, NBC news commentator David Brinkley, Senator Lloyd Bentsen of Texas, Under Secretary of State Curtis Tarr, Nixon aide Clark MacGregor, Kennedy Center director Roger Stevens, and so on. Upon receiving the Star of Solidarity from the Italian Ambassador, writes Beale, "Valenti wound up with an eloquent, obviously heartfelt plea to give the President of the United States, whichever party he belonged to, all help possible, saving partisanship for the polling booth. And everybody in that sophisticated audience applauded him vigorously."

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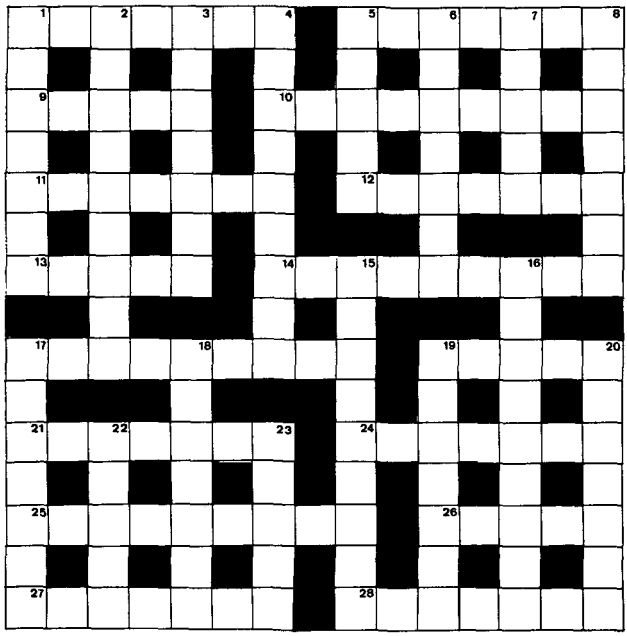
The Political Puzzle

by John Barclay



ACROSS

1. What we mean when we call a man a demagogue. (7)
5. An election, school or color. (7)
9. More modern failure in Agnew errors. (5)
10. Election result from Delaware island. (9)
11. Steering a complaint? (7)
12. These islands are lewd. (7)
13. Matured to right a wrong. (5)
14. HUD tender made a big noise. (9)
17. Menu scoop follows high-level invitation. (5, 2, 2)
19. What he did to close up the joint? (5)
21. Sexes' public relations are explicit. (7)
24. Sensations, yes; fuel, no. (7)
25. Proper posture when dealing with nice giver. (9)
26. Pacer comes back to tell of highlights. (5)
27. Why plaids look good? (7)
28. Dr. Posin makes a house call? (5, 2)

DOWN

1. Knocks opponent into wig bins. (4, 3)
2. New rules for the lower farm. (3-6)
3. Bring up the railroad again. (7)
4. I lengthen the teaching function. (9)
5. Plane geometry on the board. (5)
6. The substitute is stained. (7)
7. A main aspect of Jung's teaching. (5)
8. Drank lye, died, gave up. (7)
15. Peddle gun to delegate slate. (9)
16. Back-up for our recess. (9)
17. Freed from red lace. (7)
18. This place is close to blue plate. (7)
19. Not the right phrase to echo ire. (7)
20. A shin pad won't protect hands from this. (7)
22. He is ahead but not 50 places. (5)
23. I see spy in hot novel. (5)

The numbers indicate the number of letters and words, e.g., (2, 3) means a two-letter word followed by a three-letter word. Groups of letters, e.g., USA, are treated as one word. Answers to last month's puzzle are on page 50.

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The Environmental Rights You Don't Have (and Aren't Likely to Get)

by Daniel Zwerdling

Senator Philip Hart of Michigan is trying to pass a law which could radically change the focus of the environmental movement by giving citizens the power to fight their own battles. Hart's bill would give individuals, or classes of individuals, the right to sue industries and government simply because they pollute. The proposal has virtually no chance of passing the Congress this year, or next year, for that matter, but the way it is dying tells an important story about the politics of pollution.

Hart concocted his bill, which he calls the Environmental Protection Act, two years ago, in the flush of environmental goodwill which followed Earth Day. Its premise sounds like the Bill of Rights: "Each person is entitled by right to the protection, preservation, and enhancement of the air, water, land, and public trust of the United States and. . . each person has the responsibility to contribute." There's no law on the books, nothing anywhere, that defines the environment as a collective right which every individual is entrusted to protect, rather than a privilege which the government bestows. It's a racy concept.

Hart figures the best way citizens can protect themselves from violations of the trust by industry and government is by suing. It's easy—all you would need is two affidavits from expert witnesses, and you could sue any industry or government agency to stop the "pollution, impairment, or destruction" of the "environmental quality" in any federal court. You could sue an industry even if it were complying with federal pollution regulation—if government regulations were so weak they didn't really prevent pollution. The court couldn't award money damages, but it could issue injunctions prohibiting the pollution altogether or prescribing some new pollution-control plan.

Hart's bill has never gained much public attention partly because most people assume, via some deep-rooted faith in our judicial system, that they could sue polluters if they only had the money and legal know-how. They can't. Most "environmental laws" are merely statutes that have no direct relation to pollution, and environmental lawyers have a frustrating time trying to make them fit. If you want to stop a steel plant's poisonous fumes you must prove, for example, that pollution has injured you directly in a manner the law spells out, like tangible economic damage to your property. And you've got to prove that the industry's smoke plumes hurt you worse than the other people in your community. If you want to press your case in federal court, you've got to show the damage tops $25,000. In the

Daniel Zwerdling is a Washington writer.

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past few years the courts have been opening up more to environmental suits, but not enough. Recently, the Supreme Court ruled that the Sierra Club can't sue to stop a Walt Disney ski resort in the Sierras if all it claims is a general interest in the environment. The Court said that only people who can prove they have been individually injured can take action.

Suppose the government is funding a six-lane highway which will rip up your town. You can't take the government to court unless its decision to build the road was "arbitrary and capricious" or it made some careless procedural mistake filling out forms. You can't sue just because the government is destroying your town.

Most environmental suits, as a result, have nothing to do with the environment. Lawyers contort the issues and quibble over technicalities. Environmentalists watch their time and money dwindle as they battle just for the right to press their case in court. In one landmark suit, the Hudson River Expressway case, environmental groups never argued that the highway would destroy scenic wilderness: they dusted off some 19th-century law which prohibits building "dikes" in navigable rivers without congressional approval. The case dragged on while lawyers debated whether part of the highway was a dike or not. Conservationists who predicted the Santa Barbara oil disaster never could sue to prevent petroleum companies from drilling; they couldn't find any laws to fit the situation. "We want judges to be able to say, 'Dammit, this pollution is wrong,' and get right to the merits of the case," says Len Bickwit, a counsel on Hart's Senate environment subcommittee who helped write the bill.

As Hart sees it, his environmental protection bill is right in line with President Nixon's views on citizen participation, as enunciated in his "now or never" environmental speech at San Clemente on the first day of 1970. While Nixon sent Congress a thick packet of anti-pollution programs, a 37-point plan for a new environment, he stressed that "the task of cleaning up the environment calls for a total mobilization by all of us. . . it requires the help of every citizen. It cannot. . . be left to a few hundred leaders. Rather it presents us with one of those rare situations in which every individual everywhere has an opportunity to make a special contribution to his country as well as his community."

The kind of "special contribution" that Nixon envisioned "every individual everywhere" could make to stop pollution in the community never got past recycling bottles, however. The Administration's strategy was to withhold the potential for any genuine environmental action from citizens in Illinois, or Massachusetts, or California, or New Jersey, who confront pollution in their day-to-day lives, and to keep it in the bureaucracy and Congress in Washington, where any serious attempt to fight pollution can be crushed between the government's marble walls.

Leave It To The Agencies

Nixon is forever railing against bureaucracy, and citizen suits against polluters would be one way to relieve all those Washington agencies of their pressures. But the Administration, and industry, have condemned the Hart proposal from the beginning. "We endorse the concept of citizen suits in the environmental protection field," says William Ruckelshaus, director of the Environmental Protection Agency. "The Department of Defense supports the environmental goals of the bill," reports its counsel, J. Fred Buzhardt. Even the general counsel of General Electric thinks "citizen lawsuits can sometimes play a useful role." It's just this particular version they don't like. Citizen suits would flood the courts, and our judicial machinery would collapse. Judges would make ignorant decisions on complex, technical issues which only scientific experts should handle (such as "the reasonableness of

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one rocket fuel over another," suggests NASA). Cranks armed with two affidavits need only find a sympathetic judge to close down major industries. On and on ad nauseum, arguments which obscure the government's and industry's major fears.

As for court overloads, says Joseph Sax, an environmental law expert at the University of Michigan, nothing clogs the courts more than "procedural gibberish" which avoids the real issues in the case. Judges consider technical questions all the time—they sift evidence by expert witnesses and somehow make decisions. Would cranks use the courts to shut down industries? Usually, the problem is in getting courts to go after industries at all. There's not much in the history of our country that suggests judges will suddenly go fanatic and turn the economy upside down.

The government fears citizen suits because they would rob it of executive control—or non-control—over pollution. The Administration has worked out a careful arrangement with industry, a program of lots of rhetoric and little action; citizens in courts would destroy it.

"A virtually unlimited citizen enforcement role could seriously reduce the effectiveness of EPA'S regulatory and enforcement functions," Ruckelshaus warns. "We'd have every citizen in the country being his own little EPA," says Martin Green, director of pollution litigation at Justice. "We'd have anarchy in pollution control." Citizens are forever trying to intervene in government suits against polluters, and Justice is forever trying to thwart them. "We don't want citizen groups," says Green. "Without them it makes for cleaner lawsuits. We can pursue our objective more easily. Citizen groups usually want an immediate end to pollution. That's unrealistic."

It's difficult to say what Justice wants. Every day, for years, the Reserve Mining Company in Minnesota has dumped 67,000 tons of toxic taconite tailings into Lake Superior,

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the one Great Lake which still stands a chance of survival. For years, the government has made threats, issued six-month warnings and repeat warnings. Finally, a citizens' group in Minnesota sued Reserve under a state law and suddenly Justice plunged into federal court. Now the citizens want to join the government in court, but Justice will fight to keep them out. "One of the main advantages we have here at Justice," Green says, "is we look at things legally. We never take too extreme a position either way."

Beyond the Hart bill's threat to industry, the Defense Department realizes how the government's own programs would also be in jeopardy if it became law. "In view of the mission of the Department of Defense, the number of persons it employs, and the magnitude of its budget, it is inevitable that its activities would significantly affect the environment," Defense Counsel J. Fred Buzhardt has written to Hart. Citizen suits "would pose a serious threat to the effective operation of the Department of Defense."

Some citizens tried to sue Defense last October for storing lethal CBW weapons in its Colorado Rocky Mountain Arsenal, but the court threw out the case. Sovereign immunity—the government can do no wrong. Hart's bill would eliminate that defense. The Pentagon suggested some of the other types of projects citizens might challenge if they had the right: new aircraft and ships, new weapons systems, big real estate purchases, and use of pesticides, among others.

Taking Polluters to Court

What Hart's bill would do is hand citizens the tools to seize the initiative in anti-pollution enforcement. The public would no longer have to wait for agencies which are sluggish at best, and often closely allied with industry. For the first time, agencies would be accountable not only for wrong actions they have taken, but for good actions they have *not* taken. Hart's most unorthodox provision—allowing suits against industries even if they are obeying government anti-pollution standards—would give citizens the ultimate protest against laws which sound good in press releases but don't do anything to stop pollution in the environment.

None of this, of course, would be as easy as it sounds. Some courts might be as resistant in handing down tough pollution decisions in citizen suits as they have been in government suits, although citizens' groups will press their cases more vigorously than the government. Federal law suits also require money—lots of it, perhaps $50 an hour for lawyers, and up to $100 a day for expert witnesses. Depending on public interest law firms would place the environmental movement back in the hands of Washington lawyers (they are all desperate for more funds, anyway). Citizens in Idaho, Missouri, and Florida would gain power if Congress established a public environmental suit fund, perhaps out of tax dollars, which would repay all the money citizens doled out for successful suits.

Clearly, Nixon envisioned something else when he talked about citizen participation. Tim Atkeson, counsel for the government's Council on Environmental Quality, suggests the kind of citizen action which is palatable to the Administration. "Focus on the election and appointment of responsible administrators," he says. "We support the type of citizen suit in the Clean Air Act, and in the recently passed House water pollution control bill. Citizens should also rely on the National Environmental Policy Act."

Citizens, in effect, should not worry about the Hart bill, because they are already amply protected by their government's own enforcement of pollution laws, such as the Refuse Act of 1899. If this isn't enough, they have plenty of opportunity to sue for a healthy environment under the three aforementioned acts. It is worth going through these four alternatives to see

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what the public has gotten from them, and what it is left with.

Pay Up And Pollute

Consider the Administration's water pollution program, based on the Revised Refuse Act of 1899, which requires industries to obtain government permits before dumping gook in navigable rivers. EPA estimates that 44,000 industries should have applied for permits by last July, but barely half did. Only 10 industries had been granted permits when a District court ruled last December that EPA must justify each permit with an environmental impact statement. EPA says that the permit program would bog down in bureaucratic drudgery and has appealed the ruling.

Even without the permit, EPA has the power to enforce strict anti-pollution standards under the Refuse Act. It can bring criminal or civil suits against polluters. The Administration has initiated about 200 criminal suits since March, 1970. This may sound impressive, but when companies were convicted, they paid an average fine of $1,000 and then continued polluting just as they did before. The Justice Department also filed 110 civil suits, which are much more effective than criminal actions because in civil cases the government can win injunctions which permanently stop the polluting. Again, the number sounds impressive—until you consider that up to 40,000 industries around the country are probably dumping things they shouldn't be dumping, and that many of these cases end up in settlements which give polluters lazy clean-up schedules. One lawyer in the Justice Department has been sitting on some major pollution cases for months, but EPA won't prepare the evidence or give the go-ahead he needs to sue.

Each year, the White House publishes a thick report on the President's environmental programs. The Clean Air Act is the only one that has ever been passed by Congress and signed into law. It establishes long, drawn-out procedures for controlling air pollutants from industry and automobiles. The law was enacted two years ago, but the first standards won't be set until this summer.

Curiously enough, the citizen suit provision of the Clean Air Act, which the White House now endorses, was added by Senator Edmund Muskie, not the President; the Administration tried to crush it. Citizens may sue industries which violate future air standards, or they may sue if the EPA administrator fails to perform what the law calls a "non-discretionary duty."

But the administrator's most important powers under the Clean Air Act are "discretionary"—meaning, he or she *may* sue a company but doesn't have to, *may* set rigorous standards but doesn't have to do that either. Discretionary powers are immune from public scrutiny and challenge. The whole nation, environmentally speaking, is at the whim of administrative discretion. "If one wants to test his notions about how much we can rely on the discretion of administrators," says Joseph Sax, "I would suggest you take a look at some of the discretion that has been exercised by federal administrators during the past few years. Are you satisfied to stand with the discretion of the Department of the Interior in their statement on the Alaska pipeline? Are you satisfied to stand with the Department of Transportation's discretionary views about the building of the SST? Or with the Department of the Interior on the Santa Barbara oil disaster? Or with the Forest Service and their views about timber cutting in the White River National Forest in Alaska where. . . 99.4 per cent of all the harvestable timber is sent out for commercial harvest?"

Muskie stuck another citizen-suit provision in his mammoth water pollution bill which passed the Senate a few months ago. By the time it passed the House, Administration and industry pressures had mangled the pro-

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vision beyond recognition. "Discretionary duties" was the password again, and the House added two other provisions which will make citizen suits almost nonexistent.

A Legal Sponge

If the Devil had wanted to doom environment lawyers to a life of frustration and futile suits, he would have written the National Environmental Policy Act, signed into law by President Nixon on New Year's Day, 1970. The heart of the NEPA, Section 102 (environmentalists now quote "102" like priests quote *Genesis*), was thrown in the bill at the last minute in conference. It requires government agencies to prepare "environmental impact statements" for every project "significantly affecting the quality of the human environment." Citizens can sue if the agencies don't do their job.

NEPA gives the environmental movement the one giant legal hook it desperately needs to challenge government projects. You don't need to prove that an agency has ordered the project "capriciously and arbitrarily," but only that it hasn't prepared an adequate impact statement.

Environmental groups have used NEPA to enormous success. One NEPA suit has blocked construction of the Trans-Alaska pipeline for two years, thwarting the will of seven giant petroleum corporations and the Department of Interior; another suit stalled the Tennessee-Tombigbee waterway, a $400-million combination canal and channelization project the Army Corps of Engineers is building through Alabama and Mississippi. NEPA suits have postponed operation of new nuclear power plants, the Gillham Dam in Arkansas, interstate highways in California, Washington, and Georgia—and just two months ago one challenge sabotaged the Interior's first effort to lease 300,000 acres of land for oil drilling on the Gulf of Mexico's outer continental shelf.

NEPA fostered a whole new environmental movement, the public interest law set centered around Washington's Dupont Circle. "Under NEPA I've watched a whole bunch of brand new organizations spring up, like the Environmental Defense Fund, which do practically nothing but sue," says Spencer Smith, one of the old-guard conservationists in Washington. The Natural Resources Defense Council, the Center for Law and Social Policy, and numerous smaller law firms thrive on challenging federal environmental impact statements. Even older line groups like the Sierra Club are getting into it.

But environmental groups have poured their time and money into NEPA suits—with very little to show American citizens in the end. NEPA has a fatal flaw: you still can't sue because a project will destroy the environment; you can sue an agency only because it hasn't done a very

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good job predicting what the damage will be. Environmental lawyers can cite scores of court victories with NEPA, all over tiny procedural points. The Tennessee-Tombigbee will be built largely as planned, only behind schedule. As soon as the Army Corps of Engineers finishes its impact statement, they'll pour the concrete on Gillham Dam. Every nuclear power plant that the Atomic Energy Commission wants will operate. Late this summer, Interior will let bids again for offshore wells in the Gulf of Mexico.

"NEPA is so frustrating to deal with," says Bob Hallman, a lawyer for the Center on Law and Social Policy. "All I'm trying to get is a perfect piece of paper, a little packet which contains all the points I want. Once I get it, the official can throw it in the wastebasket."

Delaying Defeat

The only project of any consequence which NEPA has stopped—indirectly—is the Cross-Florida Barge Canal, an Army Corps of Engineers fiasco which would have linked the Atlantic and the Gulf. A public furor, fueled by an NEPA suit, persuaded Nixon to cancel the canal.

Consider the ultimate NEPA suit, the Trans-Alaska pipeline case. Interior practically asked for the suit two years ago when it approved a construction permit for the haul road which would carry pipeline materials from the Yukon to Prudhoe Bay. The Natural Resources Defense Council (NRDC) insisted the haul road was an integral part of the pipeline project and required an NEPA statement. A petulant Interior Department refused to write one, and a federal court blocked the pipeline. Last year, Interior issued a shoddy 150-page document, which it first cleared with the oil companies before release to the public. The court rejected it.

Interior caught on to the game, and two months ago presented its magnum opus: a nine-volume, 3,550-page report which tells everything you want to know about accidental oil spill rates, damage to fish and wildlife, and earthquakes. American citizens had the "piece of paper" they wanted, and Interior announced on May 11 that it will approve the pipeline anyway. The citizens can read the report, but Interior doesn't care what they think of it. "A public hearing would be a circus," says Under Secretary William Pecora. "Public hearings. . . would interfere with a more thoughtful and traditional analysis of this complex document."

What's been gained? "Even if the pipeline goes through, it will be a hell of a lot safer than if the suit hadn't been filed," says Peter Flannery, who's been fighting the case for NRDC. To avoid melting permafrost, the pipeline consortium will elevate 354 miles of the 789-mile pipeline rather than the 40 miles originally planned. "We've gained delay and things that go with it," Flannery says. "We're trying to change the awareness of the public and government to environmental problems." The effort has drained the NRDC. "This case taxes an organization like this one way beyond what it should," Flannery says. As far as citizen suits go," says Hallman, "NEPA's all we've got."

Now the agencies and congressmen whose interests NEPA threatens most are launching an attack on the law, trying to fill it full of loopholes so their favorite projects can glide through without any accounting to the public. So far, the Atomic Energy Commission is leading the attack. It has paraded a string of electric utility witnesses before Congress, along with experts from the Federal Power Commission, who warn that any delay in building nuclear reactors will threaten half the nation with brownouts. Actually, NEPA suits have delayed only two reactors, and only for a few weeks. The rest have been plagued with labor disputes, construction problems, safety defects, and fire. But the House, led by environmentalist John Dingell, obliged the electric utilities anyway and exempted new

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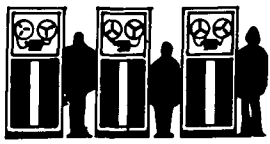

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plants from environmental impact statement requirements. "We'd just hate to see brownouts and have people blame the environmentalists, even if it's untrue," says Dingell's aide Frank Potter.

The AEC and other agencies are preparing similar amendments which will exempt their own programs from the dread NEPA statements—Department of Transportation would excuse highways, Army Corps of Engineers would exempt reservoirs, and Housing and Urban Development doesn't want any renewal projects held up. The Senate has already amended the water pollution bill, excluding water quality from impact statements. They'll find plenty of support in the public works committees, whose members fear citizen environmental suits like the plague. They've got all those pork-barrel projects back home, highways, dams, canals, precisely the kinds that tear up the environment most. "If NEPA throws a block into their programs, their whole reason for being in Congress is gone," says Ted Pankowski, a lobbyist for the Izaak Walton League.

Scoop Jackson, who calls himself Mr. NEPA, saw what damage environmentalists can wreak when he lost the SST battle. Now, he's peddling a bill which would allow the President to suspend NEPA for six months at a time, with renewals of suspension, when he decides a project is too important to be delayed. The SST could have been one of them.

Pipelines Move Faster Than Suits

Phil Hart's citizen-suit bill doesn't stand a chance of making it through Congress, not the original version, anyway. It enjoyed a brief spurt of success two years ago when the Commerce Committee voted it to the Senate floor, but Hart let it drop. The session was coming to a close, members were anxious to go home for Christmas, and Hart realized his bill could not gain the momentum to pass. Dingell introduced it in the House,

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but "there was no chance to move it. They were very hostile to it," Len Bickwit, Hart's aide, recalls.

It's curious: Hart based his citizen suit bill on one that breezed through the Michigan state legislature two years ago. "That was during the peak of public interest in the environment," says Joseph Sax, the lawyer who wrote the bill. "Industries were still reluctant to fight the bill, and so were legislators." In just two years, only 35 citizen suits have been brought under the law—the courts haven't collapsed, and the government and industries are surviving nicely. The bill hasn't caused much trouble—largely because Michigan has no organized, creative environmental movement.

In Washington there hasn't been much lobbying against Hart's proposal; there just isn't any support for it. Partly because "there's starting to be a tremendous backlash to environmental programs," according to Ted Pankowski; partly, says Bickwit, because "most people doubt our seriousness. What we propose is so extensive, so basic and new that even among proponents the assumption is that we're not serious."

For the past few months Bickwit and other aides have been tinkering with the bill, adding here and taking away there, negotiating with reluctant Republicans and modifying the citizen suit proposal so that some version might be palatable. They've added hazy phrases which make the bill more complicated, and consequently more susceptible to bending in the courts—phrases like "unreasonable" pollution. Under a new version, citizens can't sue an industry that is violating anti-pollution standards if an agency is already "diligently pursuing an action." The real guts of the bill fell out when Hart exorcised its most radical part: "Compliance with regulations shall not constitute a defense." Now, as long as an industry is complying with a deficient pollution law, it can't be sued. "We've made concessions, but I don't really think it weakens the bill much," says Bickwit. "In this form the bill has some chance."

None of the environmental groups are pushing Hart's proposal. "We've been waiting for some leadership to emerge on this bill," says George Alderson, legislative director of the usually active Friends of the Earth. FOE doesn't plan to provide any. All these Washington lawyers and lobbyists know deep down that no bill is going to pass, as long as it gives citizens the power to confront and challenge the great schemes which nourish the Administration, the Congress, and the industries which support them.

Tim Atkeson of the Administration's Environmental Quality Council, slipping into a moment of candor, described better than anyone else why the government can't allow citizens environmental power. "In the environmental protection areas you get into some very costly questions of national policy," he said. Environmental problems are "not purely technical. There are some very tough. . . political questions." Armed with a law like Phil Hart envisions, citizens could force into court all of the Administration's energy development programs—oil, coal, nuclear—and battle them on the merits of whether their social benefits exceed their environmental costs. Much of the answer lies in who gets the benefits: who *controls* energy. Citizens could block the production of new automobiles in court because they add to air pollution. Who gets the social benefits? It's a far-reaching question that would touch on ownership of automobile production and all its components. In towns across the country, citizens could begin confronting industry and local government and the economic policies which support them.

Environmental lawyers are absorbed in their delaying tactics. Meanwhile, the pipeline breaks through the impact statements, while the bill that could really stop pipelines hasn't even budged from committee. □

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MEMO of the Month

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VI. STANDARDS

A. Furnishings for space categories established by DoD Instruction 5305.3 (reference (a)), with the exception of category P-1 and those offices located in its immediate suite for which no standards are prescribed, are shown in enclosures 1 and 2.

B. The use of wood furniture to equip private office categories P-4 for GS-14's, P-5, and P-6 will be restricted to those offices located in the immediate suite (sharing the same reception area) of private office categories P-1, P-2, P-3, or P-4.

C. The use of wood furniture to equip open area work stations shall be restricted to the immediate suites of private office categories P-1, P-2, P-3, or P-4.

D. Selection of colors shall be confined to those offered as standard in the Federal Supply Catalogs and Schedules. However, to facilitate procurement, issue, and interchangeability, the desk chair for each private and open work station will be upholstered in black. Since the desk colors are standardized, walnut for wood and gray for metal, this will achieve common color treatment for the two basic elements of every work station. Carpet, where authorized, will be limited in color to Gold Moresque, Moss Moresque, Neptune Moresque, and Sandstone (Forrestal Building). Additional color treatment of office areas will be achieved through selection of upholstery for other chairs, wall paint or wall covering, and drapery where authorized.

E. Specialized furniture and equipment requirements associated with specific positions may require deviations or additions to the standard complements prescribed. Such departures will be held to a minimum, using furnishings which are in harmony with the standards.

VII. EFFECTIVE DATE AND IMPLEMENTATION

This Instruction is effective immediately. Two (2) copies of each implementing document shall be forwarded to the Assistant Secretary of Defense (Comptroller) within 60 days.

/s/ Robert I. Froehlke
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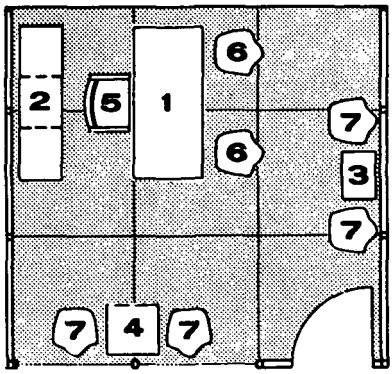

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4	Occasional Table - 24 x 24 x 17	7110-913-3217
5	Executive Posture Chair	7110-921-4421
6	Guest Revolving Chairs - 25 x 24	PAC-94, Schedule
7	Guest Chairs - 25 x 24	DAG-94, Schedule
8	Carpet	Schedule

Space Category	ASSIGNMENT	Allowance # (Net Sq. Ft.)
P-4	Division Heads in Grades GS-15/14* or Colonel who require private offices, comparable positions Branch Heads in Grades GS-15/14* or Colonel who report to Division Heads in P-3 category and require private offices, comparable positions Deputies to positions in P-3 category, who require private offices Professional or administrative personnel in Grade GS-16 or Brig. Gen. and above who require private offices	200 - 225

200 Sq. Ft. Private Office

*Offices for GS-14's to be furnished as above only when located in the immediate suite of private office categories P-1, P-2, and P-3. See category P-4A.

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BILLIONS BUREAUCRATIC COMICS BILLIONS

TREASURY AGENT O'HARA AND HIS CUSTOMS COMMANDOS

NARC vs. NARC

VINT LAWRENCE

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The American Connection

by John Rothchild and Tom Ricketts

No matter how well organized they are, we will be better organized.
—President Lyndon Johnson, on creating the Bureau of Narcotics and Dangerous Drugs.

The government has made a certain kind of progress in fighting the drug traffic. There was a time when the dope smuggler, making the deal with Frog One, had to worry that a narc might be watching. Now, the smuggler has to consider that a whole trail of narcs—from the Bureau of Narcotics and Dangerous Drugs (BNDD), the Bureau of Customs, the new Special Office of Drug Abuse Law Enforcement, the city police, and the state police—may be strung out behind him, all with steely eyes, shoulder holsters, and ham sandwiches, all ready to move in for the bust.

The dope smuggler might get scared at the prospect of so many agencies watching him, except for one detail. It is more likely that Narc One has an eye on Narc Two, who in turn is tailing Narc Three, and so on down the line. While the match of wits between the law and the drug trafficker is interesting, it is the jostling between the various government agencies along the trail which demands even more cunning, daring, and attention from the aggressive narc. It would be easy enough for a Customs agent to follow a car of junkies to a bust, except when he considers that at any corner an unmarked BNDD car might squeeze in between him and the seizure, or if he realizes that those junkies themselves might be undercover agents, believing him to be the junkie and enticing him into a trap. Such are the perils of the American connection.

Why do so many agencies follow the same drug dealers? In the genius of a multi-agency approach, each has its own reason. The Treasury men from the old Bureau of Narcotics used to be there because drugs were a tax problem, while the pill people from the Food and Drug Administration were on the street because drugs were a medical problem. President Johnson abolished these agencies in 1968 and established BNDD, in the Justice Department, with jurisdiction over all drug trafficking, because drugs are primarily a law-enforcement problem. Customs agents from Treasury, meanwhile, continue to search out dope because of their special mandate to attack the drug smuggling problem. The enforcers, therefore, have divided their territory through the dictionary, while the underworld defined its turf with a map.

This means that only one junkie will be there to pick up the drugs, but several enforcers may arrive to pick up the junkie. Such a spectacle can be a show of force, in keeping with President Nixon's declaration that drugs are public enemy number one. It also increases the government's chance of stumbling onto something. Finally, the heroin dealer might wonder if he is actually a smuggler, potential prey for Customs—or a trafficker, grist for the BNDD. Customs and BNDD are wondering, too.

John Rothchild and Tom Ricketts are on the staff of The Washington Monthly.

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Narc, Narc, Who's There?

Consider a case still in the works. The BNDD, through its continental network of agents, has enough evidence to convict a major dealer in France and prepares to swoop in. The Bureau of Customs, through one of its couriers, has developed an equally strong case against the same person. Both are feverishly clawing toward him like two lovers on a single strand of spaghetti. A U. S. District Attorney agrees to prosecute both cases, but the BNDD refuses to cooperate unless its indictment is heard first. Meanwhile, the heroin smuggler drops out of sight, and nobody can find him.

In another case, BNDD has been struggling for years to gather enough evidence to bust a major trafficker in a large city. They finally get to his bank account and trace an entire network of buyers and sellers through the withdrawals and deposits. The central trafficker, however, continues to elude the BNDD. Then one day he shows up in a Customs line, coming into the country with heroin packed in picture frames. After all of BNDD's work, some Customs luggage-shaker gets the guy by pure accident. Customs is anxious to put its man together with BNDD's bank accounts, but BNDD refuses. Each side takes its piece of the evidence and goes home.

John Ingersoll, head of the BNDD, explains such common squabbles between two agencies dedicated to the same objective: "In many things, there are differences of opinion, but that does not impede our cooperation." Cooperation, however, is not something that federal drug agencies throw around loosely. Nobody can be trusted in this drug mirage, least of all another agency. Go down to any border, where Customs, the nation's first line of defense against smugglers, is watching out from behind those reflector sunglasses. Customs men are not supposed to divert their gaze. They are not going to show easy favoritism by taking their eyes off some drugs just because another federal agency, the BNDD, happens to want to bring them in.

Such BNDD requests usually involve convoy cases. A convoy takes place when an agency knows a drug shipment is coming into the country, but decides to let it pass unhindered through the border so that important buyers or dealers can be arrested farther up the line. Usually, only the lowly couriers, or mules, show up with the stuff at the border.

The danger in every BNDD convoy, as BNDD sees it, is that at some point the convoy must unavoidably permeate a border and enter the fiefdom of Customs. The BNDD worries about this, much as a heroin trafficker sweats a little when his carload has to drive through a rival's territory. Customs doesn't deliberately try to be nasty, but its agents know that sometimes it is prudent to haul in the drugs while they are within their grasp, rather than risk a later screw-up due to another agency's mistakes. BNDD, in contrast, says the reason Customs likes to stop convoys at the border is that the only way Customs ever finds any heroin is to hear in advance from BNDD that a batch is coming through. The urge to see heroin makes Customs itchy at the border when the trafficker passes by with a gloating BNDD agent following behind.

But while Customs may miss most of the illegal heroin that pours by under its nose, Customs has little trouble uncovering and busting BNDD convoys, even without prior information. Within the last year, for example, BNDD tried to sneak a boatload of marijuana into the port of Miami. BNDD failed to notify Customs of this convoy, but Customs found out about it anyway, seized the BNDD vessel, and promptly impounded it.

Busting Jose Garcia

Since the BNDD has trouble actually slipping its convoys through Customs' border, the option of coop-

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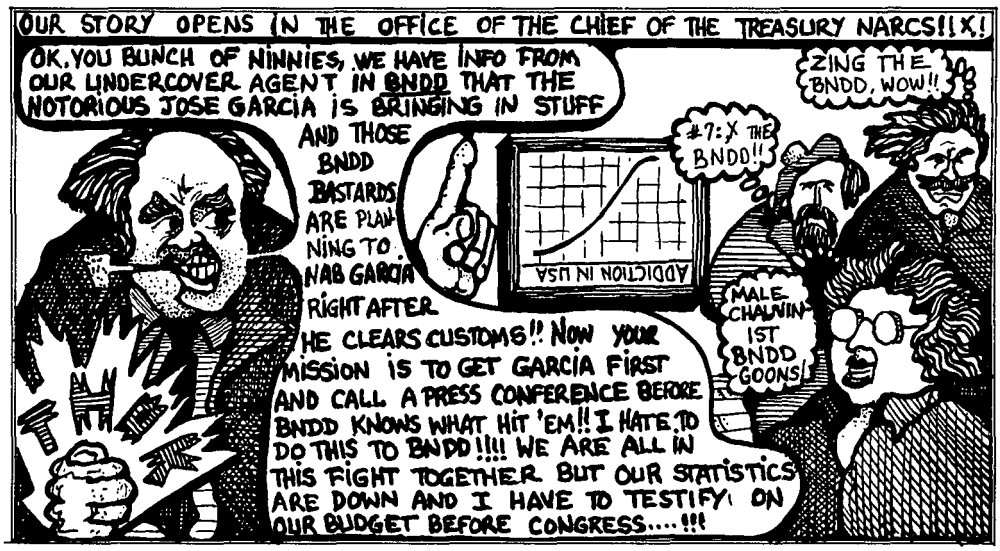

erating with the fellow agency has been suggested. While the agencies could never reach agreement on how such cooperation might actually work, the President's Advisory Council on Executive Organization came up with some proposals which were adopted by President Nixon in June, 1970, ratified by the directors of both agencies, and printed in the agent's manual. The BNDD agent can find on page three of his manual that "smuggling violations not terminated at ports and borders come within the jurisdiction of BNDD unless such jurisdiction is waived," while the Customs partisan discovers on page six of the same manual that "smuggling investigations not terminated at ports and borders . . . are considered potential joint investigations. Investigative direction of such cases. . . will remain with the initiating agency." These guidelines are not understood by the underworld, who wonder why the two agencies don't go to the mattresses and clear things up once and for all.

A source high in the BNDD recently described for Congressman John Murphy of New York (who has introduced a bill to eliminate the American connection by making the BNDD the sole drug cop) how Customs weighs the relative strength of these two mandates and decides whether to authorize the convoy, or bust at the border and hit first with a press release.

Murphy: "Did you tell me that BNDD would rather let a hundred pounds through than make the seizures. . . ?"

BNDD: "Customs doesn't prefer to make the seizures at the border as a general rule unless it's our case. And then they always prefer to make the case at the border."

Murphy: "You're saying it depends on who's in charge. . . . If it is their case they let it go through. . . ."

BNDD: "They want to follow their things through without cutting us in on it except to notify us that they are bringing a convoy through. . . . Let's take this example. Our undercover agent in Chicago has been introduced to a drug trafficker by one of our informers and it turns out this drug trafficker happens to be an informer of the Bureau of Customs who's up in Chicago soliciting purchasers. So he makes a deal for the drugs to come in and Customs convoys the damn stuff through from Mexico up to Chicago and there is a possibility that they may be delivering it to one of our undercover agents. To reduce that possibility they have agreed to tell us every time a convoy is coming through. But there is great difficulty for us to join up with that convoy, and they will not allow us to assume investigative jurisdiction in the case because they call it a smuggling viola-

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tion and they do not want to bust that on the border because they say they are getting no one except Jose Jesus Garcia and the one they really want to get is the trafficker in Chicago. But when it is one of our cases they want to bust the damn thing at the border and get Jose Jesus Garcia."

BNDD is sometimes not pleased to see its convoy bounce off Customs and land on Jose Garcia, the proverbial mule. Convoys take months to develop and often involve risks to agents and informers, plus thousands of dollars to pay people off and buy the drugs. Garcia by himself they can live with—a lot of cases never get beyond the mules. But the bust at the border also puts Garcia on Customs' side of the counter—one more Customs arrest, a little more heroin sprinkled on their yearly pile, a little more ink on their seizure charts. BNDD is rescued from having to accept this indignity by its overseas agents. Customs may hold court over the border pores of the nation, but BNDD has control over the rest of the world, where it can make arrests in conjunction with foreign police. If Customs is waiting to get Jose Garcia at the border, BNDD can outflank them by busting Pierre Garcia before the case ever leaves France. BNDD calls this "going to the source" of the drug traffic.

In the LaBay case, for instance, a French businessman was arrested in Paris last October with 233 pounds of heroin stuffed into five suitcases and hidden in his car. Customs got wind of the case, and suggested that BNDD convoy the car over to New York, where the pick-up person could be hit or traced back to the higher-ups. BNDD and the French police, however, decided the car was not up to the long trip.

A few months earlier, Customs was looking out over the Mexican border, waiting for a heroin shipment. Customs planned to follow the junk to some major distributors on the American side. They kept watch, nothing was moving, and the agents began to get restless. Maybe the smugglers were tipped off, or maybe the buyers couldn't raise the money. While Customs was wondering, BNDD moved in with Mexican police to scuttle the convoy and jail the mules somewhere south of the border. A few more miles and the smugglers would have been in Customs territory.

When you add up all these differences of opinion between Customs and BNDD which have jeopardized, in the estimate of a high BNDD official, at least 20 per cent of all federal drug cases, you are tempted to make the quick judgment that the agencies cut off each other more than they cut off drugs. However, before you blame an agency for not cooperating, it is only fair to ask what the agency has to go through when it actually tries to cooperate on a collective bust, as prescribed in the various guidelines and memoranda of understanding. One example of such an effort is the Jaguar case, where both Customs' director Myles Ambrose and BNDD's John Ingersoll co-announced the seizure of 200 pounds of heroin and the arrest of five persons in New York last September—the second largest seizure in the city's history.

Snitching the Flour

Before the beige Jaguar, loaded with heroin, was ever permitted to be convoyed from France on the Queen Elizabeth II, the case was in the solid grip of the BNDD. They had found the informant, paid him $50,000, set up the shipment, and discovered where the stuff was hidden in the car. BNDD was ready to bring the Jaguar to New York, secretly confiscate the heroin and replace it with white flour or milk sugar, and follow the car to the buyers.

Customs had no particular quibble with this plan, except for one detail. It was clear to them that the principals in the Jaguar case were acting much more like smugglers than like traffickers, and that called for Customs' special expertise. They would

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be more than glad to exempt the car from border seizure provided that they could take out the heroin and substitute Customs flour.

While the French were loading the heroin into the Jaguar with comparative ease, the dispute over whose flour would replace it began slowly rising to the top of both agencies. According to one source, the final flour decision went beyond Ambrose and Ingersoll and "got as high as Kleindienst." (Under the guidelines, the Attorney General's office is the final arbiter. Customs views this arrangement as unfortunate, since BNDD is in the Justice Department.) Sure enough, BNDD flour prevailed, and that agency would be in charge of all arrangements, although the names of both agencies would be attached to the case and it would be announced to the public as reflecting on the cooperative spirit of both bureaus.

To a Customs agent down at the port, however, Kleindienst is one thing and heroin is another. Customs has seen the Kleindiensts come and go, but it has not seen all that much heroin, having picked up, for instance, just 346 pounds in the year preceding Jaguar—while tons were flowing over, under, and across its borders. An agent wants to respect the wishes of the Advisory Commission and Reorganization Plan Number One, which created BNDD, but not when 200 pounds of smack is sitting in a car right in front of him, separated from his grasp by a memorandum. It was too much for the Customs agent to bear. He tapped into the Jaguar and pulled out just one small packet, just to get the feel, and to prove to BNDD that Customs knew how to find the stuff. (BNDD could otherwise have chided Customs for not being able to uncover the cache even though BNDD told them in advance where it was.) A Customs agent made this token snitch before BNDD could make the big flour exchange.

The token snitch would eventually provide an opportunity to jeopardize the Jaguar case once it came to trial, but before that, at least one other agency would have its chance to complicate matters. This time, it was the U. S. Army. Based on prior agreement, BNDD and the Army had installed a homing device into the electrical system of the Jaguar so it could be tailed by Army helicopters. The plan was abandoned at the last minute when somebody pointed out that Americans get nervous seeing Army helicopters over the highways. The homing unit was removed and the flour substitution effected while the car was stored at a New York garage awaiting its pick-up by hopefully unsuspecting couriers.

When the couriers arrived and drove the Jaguar out of the garage, a long procession of narcs fell in line. Unfortunately, the electrical system of the Jaguar, still recovering from the homing surgery, fizzled, leaving the Jaguar stalled and the narcs strung out behind like a funeral procession when the hearse has a blow-out.

The lead narc, wearing long hair and carrying a purse so as not to arouse suspicion, walked up to the stalled Jaguar and asked if the occupants needed any help. Could it be the wiring? The couriers, unaware of where the stuff was stored, and worried that the loosening of any bolt might result in a flood of heroin, turned down the road service. The narcs had to make the bust right there. Meanwhile, somewhere in the city, the buyers went home empty-handed, not knowing that they were saved by BNDD electricians from being arrested while receiving BNDD flour.

While the big boys were slipping through the faulty wiring, Customs, rarely outdone by the BNDD, gave the arrested couriers a potential free ticket out of court on the token heroin snitch. At the trial, the heroin packet found its way into the arguments of defense lawyers, who dug up an obscure legal precedent under which only one border search is permitted. They argued that the Customs agent's revenge constituted that single

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search, thus invalidating the entire flour exchange as evidence. The judge ruled against them and the traffickers were convicted.

Usually, this Kilroy–Was–Here urge of Customs agents doesn't jeopardize cases, but it does keep the BNDD on its toes. Recently, for instance, a BNDD undercover operative in a major city had talked his way into the confidence of some buyers and was preparing to sell them a little convoyed heroin. The BNDD man stood by sheepishly while the traffickers opened the packets, only to find that a Customs agent on the border had autographed the shipment and put a date on it. The BNDD's clandestine network suffered a setback, but the traffickers would at least realize that you can't fool Customs.

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Arresting Yourself

This jealousy developed over convoy cases and the frustration over successful cooperative joint ventures like Jaguar would be greater if the agencies did not do so much of their work under cover. Much of the time, an agent who might get mad at a rival agent encroaching on his territory either doesn't know that the other person is an agent or that he is pursuing the same case. If a Customs informant, for example, knew that he had just sold dope to an undercover BNDD man, he might harbor resentment. Luckily, much of the time he doesn't know.

Every solution in one place creates problems in another, of course, and this ignorance lessens direct conflict only at a high cost in confusion. Because there are often four agencies working under cover, an agent has to try to guess whether the person he is tracking down is really a junkie, a police pigeon, an informant for another agency, or a combination of all three. During an episode in New York, a police informant led some narcs to a buy, and they waited in the shadows to make the arrest. The seller, however, happened to be working for another agency. He was there to sell flour and he didn't know his client was the police department.

BNDD and Customs are particularly susceptible to this confusion because the former likes to bust large purchasers, the big boys, and uses its undercover operatives to sell narcotics. Customs, on the other hand, specializes in nabbing the sellers, and uses its undercover men to buy narcotics. It is possible that the federal government has actually sold dope to itself. The same government has, on

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occasion, tried to arrest itself.

The most recent example occurred at a warehouse on the West coast, according to a BNDD source. BNDD has the place under surveillance and comes in with guns drawn to nab some heroin dealers with the goods. Customs is watching the same warehouse and thinks that those men with guns are a rival drug faction trying to heist the drugs. A scene is narrowly averted in which the incredulous heroin dealers walk out of the trap after watching two federal agencies gun each other down.

One wonders what all these interagency blitzes have to do with the drug traffic. Such an approach, however, inhibits understanding. In 50 years of creative organization, the narcotics agencies have had about as much luck stopping heroin as the Prohibition people had in drying up the country. The American connection tussles over seizures which in the best years represent perhaps 10 per cent of the heroin traffic, a 10 per cent that is probably replaced into the system. The addicts are well enough supplied. For them, the difference between legal and illegal heroin is the price. For the public, the difference is between the cost of maintaining clinics for legal dope and the cost of all the crime generated to buy illegal dope, plus the cost of the narcs who fail to deter it.

To the federal agency, however, there is a difference between actually stopping the drug traffic and preserving the potential to stop the drug traffic. This is why the agencies, for all their apparent confusion, have the ultimate advantage over the heroin pusher and dealer. The heroin dealer must actually deliver the goods or else go out of business. The federal agent, on the other hand, has already demonstrated his ability to survive even if he is not actually sopping up the drug flow. As a matter of fact, the more drugs that come in, the more agencies that are created to stop them—the more the traffic is rerouted, the more the agencies are reorganized. These bureaus are smart enough not to become dependent on the product itself. They are dependent on statistics. Even when there are no drugs, there will be drug statistics.

Numbers in hand, any federal agency has two roads to survival. It can attach itself to an insoluble problem, such as poverty, racism, or war. Thus, the agency becomes immortal on the grounds of potentiality. Or it can take the gradual-improvement approach, basing its existence on the fact that some condition was much worse before, is better now, and will be still better in the future. The latter approach has ultimate disadvantages, as we see in the old Bureau of Narcotics, the BNDD's predecessor.

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Turning on the Ski Jump

The Bureau of Narcotics, under Harry J. Anslinger, took the gradual-improvement road when it began sliding down the ski-jump curve in 1930. The ski-jump curve, explained Alfred Lindesmith in his book, *The Addict and the Law*, was a dubious method of counting the number of addicts in the U. S., based on the notion that there was a peak somewhere between 250,000 and 2.5 million addicts between the turn of the century and World War I. By showing a slow downfall in this number from 1930 forward, the Bureau of Narcotics could continue to prove its indispensability to the public and to each successive Congress.

The ski jump was based on local and state police reports to the Bureau of Narcotics on how many addicts they had identified during a given year. Most years the Bureau said there were thousands of new addicts, but that the total number continued to decline. For this to happen, as Lindesmith says, thousands of addicts must have been miraculously recovering from their habit every year, a fact not supported by the Bureau's theories on the perils of addiction. (The Bureau had always been good with numbers. A declining drug-arrest rate meant that addiction was on the wane, while an increasing arrest rate meant the Bureau was curbing addiction by catching more dealers.)

Even during its prosperous years, however, the Bureau had not looked as healthy on the ski-jump curve as other agencies who took the dismal or insoluble crisis approach. There is always more money, and therefore security, in working against bad housing, which is always around, than against the Mediterranean fruit fly, which may not be. The Bureau of Narcotics always got praise, but almost never got budget increases, or new offices. It also had to prepare for the day when the curve would level out or fall to zero, thus dumping the entire agency out on its tail.

The successor agency to the Bureau of Narcotics, the BNDD, was rescued from this dilemma by the hippies and by the narcotics epidemic of 1968. The ski-jump curve was promptly buried in an avalanche of addicts. Nobody knew just how many addicts, but there were a lot more than the old Bureau had estimated. John Ingersoll, director of the BNDD, began saying 100,000 (this figure, of course, did not reflect on the policies of his fledgling agency). Myles Ambrose, head of Customs, was saying sometimes 250,000, sometimes 300,000 addicts. One congressman complained about a "staggering" 62,000. Recently, the BNDD put all speculation to rest with a new reporting system based not on police reports, but on interviews with addicts. Matching the accuracy of its predecessors, BNDD has discovered that there are now 559,224 addicts in the United States.

This number made it hard to continue to fall back on the gradual-improvement theory, so both Customs and BNDD quickly embraced the insoluble problem alternative, which turned the ski jump upside down. Instead of slowly sliding toward perfection, the agencies were all of a sudden blocking the nation's slide into drug oblivion. Eugene Rossides, an official at Customs, described the dynamics of the new effort:

"In my judgment President Nixon's war on drug abuse is succeeding. He has arrested the United States' incredible downward slide into drug abuse [we have done a lot]. . . but let there be no false optimism [don't expect too much]. We have a long and steep climb ahead of us just to return to the level from which we fell [we are in a crisis]. It will require the active participation of all of us [more money]. However, I am confident that the challenge will be met. [The money will be worth it.]"

A word should be said in support of the departed ski-jump curve. If there had been no curve in the first

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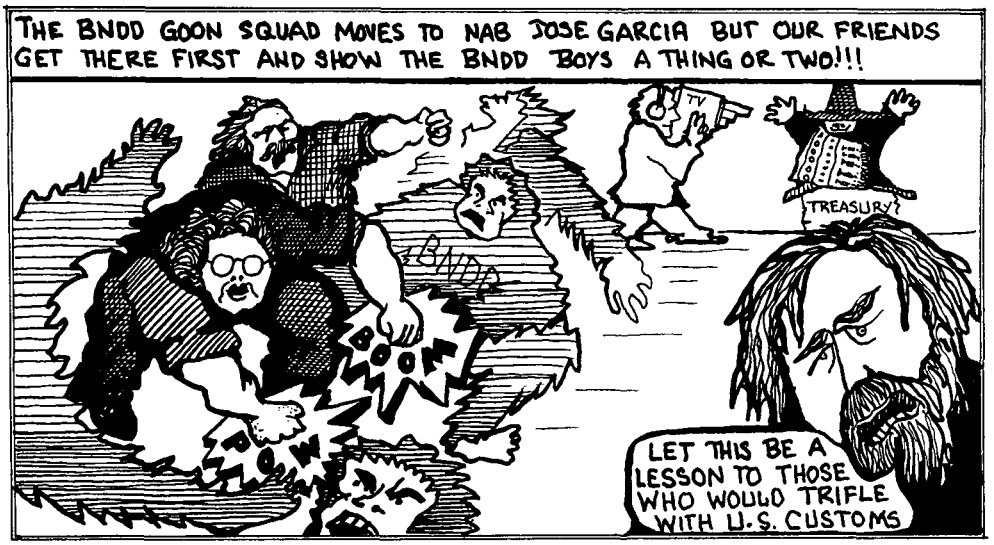

place, there could never have been an incredible downward slide into addiction for the agencies to rescue us from. Nobody can tell exactly how many new addicts have appeared in the last three years, but it is clear that these extra 500,000 didn't shoot up overnight. Thus, the addict who was left off the ski-jump curve 10 years ago for the sake of the Bureau of Narcotics, now can be put back on the rolls for the health of the new BNDD. If the old Bureau had kept reliable statistics, or no statistics at all, instead of today's epidemic we would probably see merely a slow rise in addiction which would prompt criticism of the agencies' practices and perhaps even budget cuts. Nobody, however, can be blamed for an epidemic.

The Seizure Chart War

All this luxury does have its drawbacks. Until the agencies can come up with some way of showing another decline in addiction, they have to prove their worthiness by other means. Both the BNDD and Customs have turned to the seizure chart, once merely window dressing for the old Bureau of Narcotics when the proof was in the ski-jump curve. Now, the public depends on the seizure chart for its knowledge of whether the war against the drug traffic is succeeding or failing.

Seizure charts are in some ways superior to addict counts. They are certainly more exciting, because the numbers represent actual lumps of heroin taken from Frog One and his colleagues in dramatic episodes. Moreover, while the addict count is a direct measure of addiction, the seizure rate is hard to connect with the actual heroin traffic. Nobody knows what effect increased seizures has on drug sales, whether more is put into the system to replace what is lost, or whether less is available for the addict. Nobody, for that matter, has any idea of how much heroin comes into the country. Customs can therefore claim a gigantic increase in heroin seizures, from 210 pounds in 1969 to 346.8 pounds in 1970 to 1,308.85 pounds in 1971, with the assurance that nobody, not even Customs, will know what that number really represents. When *U. S. News and World Report* recently asked Myles Ambrose, "Is the traffic in narcotics increasing?" he said: "It has been at such an inordinately high level that it would be very difficult to measure whether it is increasing or decreasing."

Seizure charts have still a third bureaucratic advantage. If the drug traffic is actually increasing, the odds are that government drug arrests and confiscations will also increase, although the narcs will still be getting

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the same percentage of the traffic. This means that the worse the problem gets, the more the federal government will appear to be solving it. If you accept the BNDD's addiction rates, the two agencies are already making the most of these misfortunes.

Finally, seizure rates provide numerical flexibility. An addict is an addict, but a seizure can be a gram, a pound, a kilo, or a dose, depending on which looks better. In 1967, for instance, BNDD was confiscating heroin in grams (35,000), while in 1969 it was picking up pounds. In times of real drought, the agencies can switch to doses, diluting their statistics much as the traffickers dilute their heroin. The agencies also have the option, unavailable to drug pushers, of lumping everything together into one spectacular junk pile. Instead of promoting a heroin seizure figure, the agency comes out with its total hard drug haul, which includes heroin, morphine, cocaine, and others. Most important, seizures can be converted into money. This makes possible a direct comparison with the agency budget allotment. A sample seizure press release, this one from Customs, reads like this:

> An unprecedented total of $617.3-million worth of illicit drugs and narcotics—approximately three times its annual budget—was seized by the Bureau of Customs in the first 10 months of the calendar year, U. S. Commissioner of Customs Myles J. Ambrose announced today.
>
> The figure was based on the estimated street value of the drugs. It represents a 400-per-cent increase over the volume of narcotics drugs seized during the corresponding 10-month period in 1970 when the total was $119.3 million.
>
> The number of individual seizures climbed from 7,961 to 8,806 while the aggregate quantity of all drugs rose from 124,720 to 165,281 pounds.

Continental Blitz

Things may be confusing to Narc One on the street, but his boss has no trouble keeping the BNDD seizure chart separate from the Customs seizure chart. Narc One is told that he should cooperate with Narc Two, he has heard the officials proclaim the historic unity between the agencies. But he also knows what happens if the junkie ends up as a Narc Two statistic. Cooperation with your rival agents, therefore, means walking arm-in-arm out of New York Attorney General Andrew Maloney's office slowly enough so the other agent won't get panicked and think you are trying to out-race him, and fast enough so you will make it to the bust first. That happened recently after Maloney advised both a Customs and a BNDD agent that a shipment was coming in. Customs got the case when BNDD's car wouldn't start.

At the start of the Nixon Administration, BNDD was safely in the lead of the cooperative war. It had the tradition of Harry Anslinger, the statisticians of the ski-jump curve, and the Justice Department. BNDD's foreign agents could blitz Customs on every continent. Customs, from its position down at the border, had never done much drug catching, and the agency hadn't gotten anywhere by approaching Congress year after year with warnings about the mound of suitcases piling on its harried inspectors from the international tourist boom. But, under bulldog Myles Ambrose, who reportedly has a "Bust a Junkie" sign on his desk, the agency began to get healthier when it could show that some of those suitcases had false bottoms and contained dope. Customs got an extra $8.75-million boost in 1969 for 915 additional narcs, and was also given enough airplanes and sensors to create a pusher's DMZ at the Mexican border. Its total budget grew from $89 million in 1968 to $189 million in 1972. BNDD, meanwhile, was expanding from an original $14.4 million for 600 agents in 1968 to $65.1 million for over 1,300 in 1971.

Up Against Agent O'Hara

There were two ways the agencies

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could approach this seizure war. One would be to actually bust more junkies than the other, and the second would be to concentrate on a more creative use of what was actually seized. It is in this latter area that Customs gained ground. Ambrose's men began to make historic and dramatic busts, as opposed to the run-of-the-mill busts of the BNDD. The difference between a dramatic bust and a routine bust is the difference between a human Customs inspector sniffing out some marijuana, and a pot-smelling dog doing the same thing. Ambrose had the dogs, and they made newspaper stories, while BNDD was stumbling around looking for French heroin labs.

Ingersoll also made the classic mistake of going after the Families, the 10 or so underworld systems responsible, he said, for most of the drug traffic in this country. The Families technique had been tried before, and as any narc can tell you, it never works. Some mules you get, but not the Families. "People out in White Plains may have some fascination for the big shots," says one ex-narc. "But it doesn't mean much. They want to get that pusher down the street." Going after the Families, like writing the Great American Novel, can be an excuse to sit around and do nothing. Ambrose, meanwhile, was taking the street approach, making the neighborhood safe from the old dope peddler.

Ingersoll's narcs were off on this wild goose chase while Ambrose was secretly meeting with Jack Webb and the network television people. Both Customs and BNDD had hoped to get their own TV shows, but "O'Hara, U. S. Treasury" beat BNDD to the living rooms, and by the time Ingersoll got to the networks, according to John Finlator, former BNDD deputy director, "the anti-violence thing had taken over" and the BNDD show was turned down. O'Hara put the double screw on BNDD: even as real Customs agents were outmaneuvering BNDD at the street level, its television agent, O'Hara, was busting the major pushers. Every week, Customs' high-quality detective would crush another Big Family on ABC, while its luggage-shakers were getting a high-quantity seizure record by mopping up all the little busts. BNDD was squeezed out somewhere between O'Hara and the border.

BNDD, not easily outdone, retaliated with the open files and the incredible lump. Opening the files to reporters finally got the BNDD into the newspaper, where Ambrose's pot-sniffing dogs and computer narcs and heroin-DMZ had been all along. (*Newsweek* recently ran a big feature on BNDD's South America work.) And the BNDD surfaced with the incredible lump in its January, 1972, seizure press release, when it heaped all its seizures of narcotics and dangerous drugs from an entire world-wide illicit market into one, unprecedented, $920-million pile. This total included heroin, morphine base, and opium—domestic and foreign hauls—and pushed the BNDD chart to 3,784 pounds, far beyond anything previously

"The key to understanding"

The Drug Hang-up

by Rufus L. King

"The history of drugs, the law, and enforcement in the U.S. is not just scholarly background to a social problem, it contains **the key to understanding how we went wrong and what, most reasonably, can be done about it.** Only when this history is truly understood will we see the way to solving the apparent dilemmas. The last chapter of this book [by a Washington attorney] sets forth the rough outlines of that solution. The body of evidence which goes before is overwhelmingly in its favor."—*Washington Monthly*

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claimed. The fact that some of these ingredients might not have been destined for U. S. consumption, or that many of these seizures, as one Customs official charged, "were made entirely by foreign police," was obscured by the numerical heft of the composite bust.

Customs, meanwhile, aware of the growing benefits of this go-to-the-source technique, asked Congress for more of its own overseas agents, so as not to be "blindfolded at the border." This would provide the chance for cooperation with BNDD abroad as well as at home. BNDD complained that the guidelines would prohibit this, but Customs offered to help write new guidelines.

While both agencies wrestled over international coordination, Ambrose outflanked both his friends at Treasury and his rivals at BNDD. What the drug war really needed, he convinced President Nixon, was a totally new agency, able to integrate its attack with all the other agencies. The others were doing a pretty good job, but they did not have the promise of a Special Office of Drug Abuse Law Enforcement—the President's arm—especially if that Office were headed by Myles Ambrose. Some reorganization would be needed, since Ambrose planned to take 250 agents, or about 20 per cent of the entire drug force, away from BNDD, and would also draw from other government narc pools. Ingersoll assured everybody that this would be no problem for BNDD. His agents might be working for Ambrose, but he would retain, as he put it, "administrative jurisdiction."

The new agency would also demand a revolutionary approach—an all-out blitz on the street-level heroin pusher, reminiscent of the traditional clean-up campaigns. (Carl Perrian, of Rep. Murphy's staff, notes that before a big drug hearing in San Diego in 1965, Customs boasted that its men had just "cleaned up" Tijuana. Perrian left the meeting, took $190 into Tijuana and returned a few hours later to lay a pocketful of drugs on the committee table). Ambrose's clean-up, carefully timed over the next few months, will be national in scope.

With Narc Six sneaking up at the rear of the long line of agents behind the drug smuggler, some new problems might arise. Is the BNDD narc on loan to the new agency supposed to bust for Ambrose or for Ingersoll? Three federal agencies might try to sell flour to each other, and there might be some uncertainty about the triple convoys. But the magnitude of the drug crisis is great enough to override such limitations, and the only thing that remains is to explain why another agency is necessary. President Nixon did:

> At present, there are nine federal agencies involved in one fashion or another with the problem of drug addiction. In this manner our efforts have been fragmented through competing priorities, lack of communication, multiple authority, and limited and dispersed resources. The magnitude and severity of the present threat will no longer permit this piecemeal and bureaucratically-dispersed effort at drug control. □

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The Empty Seat War or the Folly of Airline Competition

by Frederick C. Thayer

Like many other industries, particularly those in transportation, America's airlines seem to be following a predictable pattern. There are more and more empty seats as prices go up, yet expensive television commercials exhort us to fly more. The usual next step, direct government subsidies, has been averted for the moment, but the industry is far from robust health.

In explaining this dilemma, an extraordinary consensus has developed around what can be called the Nader diagnosis (although it is not original with him): the regulators have crawled into bed with their wards, the industry has become a semi-cartel that restricts competition at the expense of consumers, and the companies' management is so bad that they seem to lose even the money virtually handed to them. From this diagnosis comes the increasingly popular prescription: we must get back to a more competitive system by forcing the companies into free market struggles that will lead to lower prices with no falling off in services.

Frederick Thayer teaches public and international affairs at the University of Pittsburgh.

This prescription has yet to be really tested, but its growing popularity deserves a challenge. In the airline situation, at least, it seems to me to be wrong. While the airline industry is a peculiar mixture of competition and public regulation, it is still a good example of how a deep commitment to the blessings of competition leads us to overlook potential solutions in favor of plunging further into current economic dilemmas. The best illustration of this is found in the reaction to the efforts of the Civil Aeronautics Board (CAB) to put some brakes on the duplication of airline services and the overproduction of seats.

The present CAB has recognized the possibility that the industry's major problem is excess capacity. Chairman Secor Browne finally succeeded in getting the airlines to do something about it when he obtained

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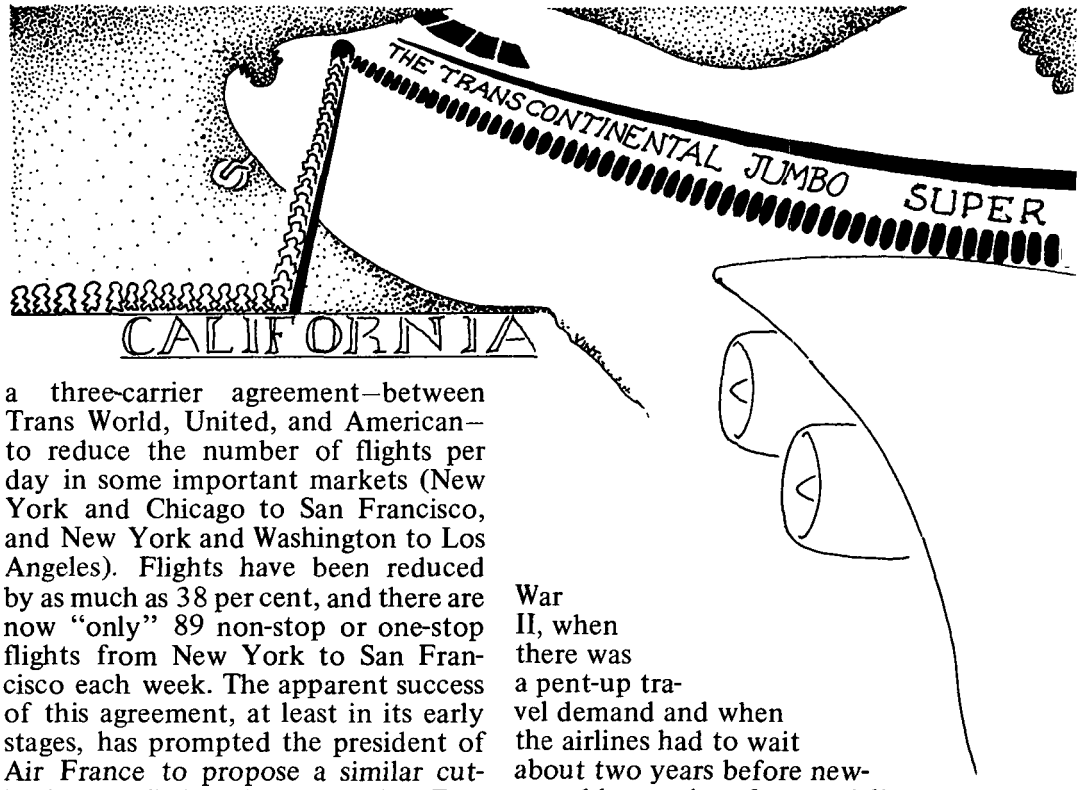

a three-carrier agreement—between Trans World, United, and American—to reduce the number of flights per day in some important markets (New York and Chicago to San Francisco, and New York and Washington to Los Angeles). Flights have been reduced by as much as 38 per cent, and there are now "only" 89 non-stop or one-stop flights from New York to San Francisco each week. The apparent success of this agreement, at least in its early stages, has prompted the president of Air France to propose a similar cutback on flights between the East Coast and Paris. If the reduction continues to work, it will lead to more seats being filled on each flight, less wasted space, and economies of operation. This should result either in a decline in the rate of ticket price increases, or perhaps even a reduction in prices.

The three-carrier agreement has not attracted a great deal of attention, but those who have commented—particularly the pacesetters at the Brookings Institution—have condemned it as collusion in restraint of trade. From their perspective, the arrangement is one which limits output and growth, sanctifies cartelization, and signals a further step toward total monopoly in markets already concentrated into "shared monopolies." They persistently argue that price competition should be instituted through de-regulation, which in turn would allow many new airlines to enter the market.

Keynes' Baggage

Most de-regulators harken back to the period immediately after World War II, when there was a pent-up travel demand and when the airlines had to wait about two years before newer and larger aircraft were delivered. In those days, the seats were indeed filled, and there was no excess capacity at all. The non-scheduled airlines (now called "supplementals") acquired a reputation for innovation and cost-cutting. Almost anyone could get a slightly used military transport plane (with the help of the Reconstruction Finance Corporation) and compete on the popular routes. This led to both low fares and high profits. The CAB, convinced that travel demand would continue to escalate, forced major fare reductions on the big airlines.

But at the same time the new airplanes arrived, demand leveled off. Disaster was narrowly averted. The CAB responded to the crisis by setting fares well above where they had been even before all the competition. The old policy of encouraging competition had worked in a growing industry, but we are not likely to see again this combination of excess demand and industry expansion. Even though we still have the "supplementals," only military business has enabled most of them to survive after the economic crunch.

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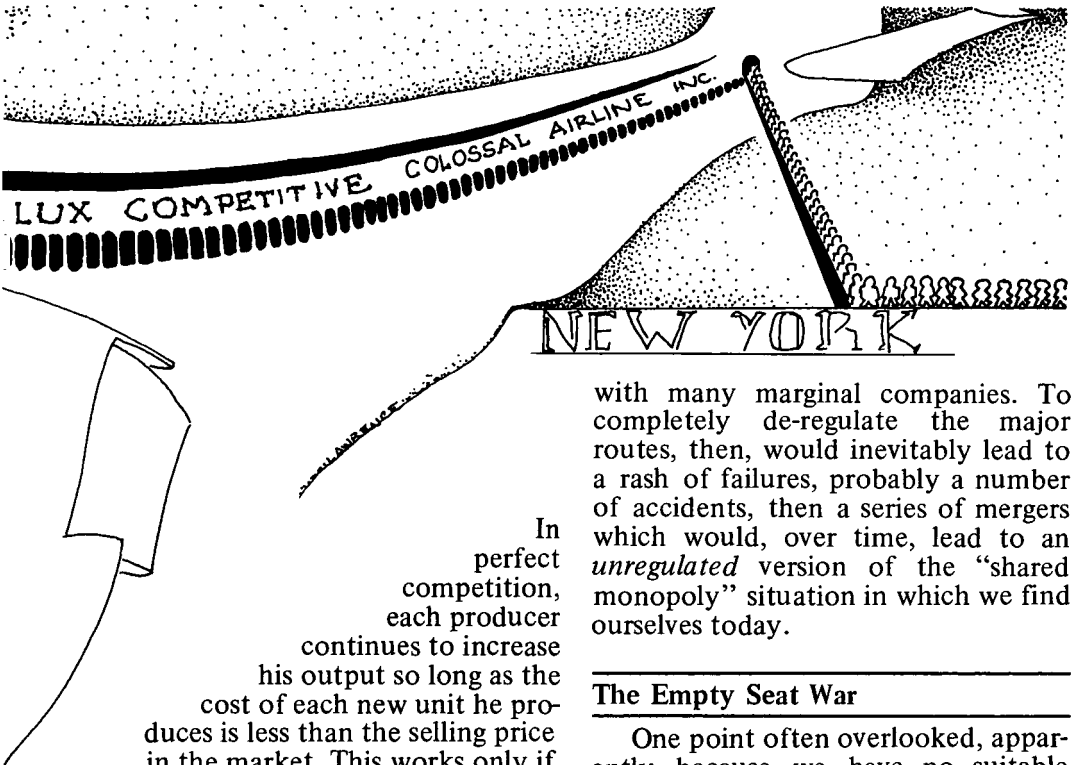

In perfect competition, each producer continues to increase his output so long as the cost of each new unit he produces is less than the selling price in the market. This works only if demand constantly outstrips supply, and when it does not, failures mount and individual producers become desperate in their search for cost-cutting devices. When failures become so numerous as to attract public attention (the best historical example is agriculture), some form of government intervention (quotas, tariffs, price supports) follows. A perfectly competitive airline industry could find thousands of ways to scrimp on engine overhauls, pilot training, ground-crew supervision, and similar activities, and an army of government inspectors would have trouble keeping up. All of these things were common in the post-war period, and they are common today among marginal operators. Students were stranded in Europe this past year, and it has been only a short time since football teams were flown into mountains. In this kind of competitive market, moreover, there is high incentive to operate the oldest aircraft imaginable, for that is the surest road to profits and survival. Further, I leave it to the reader to judge what an inter-line baggage handling system would be like in a market of perfect competition with many marginal companies. To completely de-regulate the major routes, then, would inevitably lead to a rash of failures, probably a number of accidents, then a series of mergers which would, over time, lead to an *unregulated* version of the "shared monopoly" situation in which we find ourselves today.

The Empty Seat War

One point often overlooked, apparently because we have no suitable theory for dealing with it, is that the airline industry, regulated by a public agency, behaves precisely the same way as "shared monopolies" that are unregulated (automobiles, for instance). There is a single important exception to this generalization—the CAB sets the fares much lower than airline managements would if they were free to do so. We see periodic examples of airlines desiring to gain temporary advantage by asking the CAB to lower their fares, but the general thrust of the industry, as in all shared monopolies controlled by a few giants, is toward a mutually acceptable setting of prices. In *unregulated* shared monopolies, the challenge of a newcomer might cause prices to be lowered for a time, but only until that newcomer is either squeezed out of the market or gets a firm hold on a share of the industry. After that, price competition is abandoned and prices rise. Neither the corporate managers nor government policymakers want a competitive situation that might cause some companies to fail, especially in an industry that only includes four or five major firms. The auto industry, currently dominated by three com-

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panies, often sets prices to generate twice the normal profit. If the airline industry were unregulated, there is no reason to expect a different result.

Like other shared monopolies, however, airlines do compete in seemingly idiotic ways that now are commonplace. With price competition ruled out (in unregulated industries this is done by tacit agreement), competition shifts to other things. Coast-to-coast flying, which created the need for the three-carrier agreement, has provided customers and TV viewers with a classic example of competitive waste—the "seat war." Beginning with extensive redesign of the seating pattern, the companies have tried to outdo each other by providing more exotic meals, better choice of liquor, more room for hips and shoulders, empty seats which can become couches or beds, "friendship" cocktail lounges, "live" entertainment, both adult and family movies, multi-track stereo, better-dressed or sexier stewardesses, more luxurious upholstery fabrics, larger picture windows, carry-on luggage racks, and in-flight customer representatives.

As in other shared monopolies, the cost of competitive waste mounts at a rapid rate, and price reductions become unlikely. Potential profits are converted into still more irrational services and advertising—not designed to increase total demand for air travel, but primarily to increase each company's share of the market. The idea is not so much to get new people to fly from New York to San Francisco as it is to get existing passengers to shift from "friendly skies" to the "American Way," or to "Golden Ambassador Service."

The nature of the regulated competitive system forces airlines to behave in strange ways, and the manager whose company declines in its percentage share of the market (the loser in the seat war) is bound to be labeled ineffective. Any airline official can tell you that the best way to attract passengers from competitors is to offer greater flight frequencies or to improve passenger comforts. (Nobody wants to go back to the dangerous and grueling cattle-car flights that resulted from the post-war competition, but the major airlines have now gone far beyond the necessities of safety and comfort.) To maintain or increase his share of the market, an airline manager must insure that he has as many flights and just as many empty seats on his flights as his competitors. To be sure, reasonable attempts are made to fill seats with "discount" passengers on a flight-by-flight basis but, overall, it is not in the interest of any one of the three airlines flying from New York to San Francisco, for example, to develop a higher load factor (percentage of seats filled with paying passengers) than the other two. The higher load factor would encourage passengers to shift to the airlines with more empty seats.

The Wings of Stupidity

The three-carrier agreement was devised to lessen these wasteful effects of regulated competition. But the agreement itself is a tenuous bargain, threatened by the very competition it was supposed to modify. If one of the three carriers now party to the agreement finds itself suddenly gathering an increased share of the market (perhaps its cocktail lounges *are* more enticing), it will feel compelled to add more flights to make certain it doesn't lose the advantage it has gained. Conversely, if one of the carriers finds itself losing its share, it will feel equally compelled to add flights in an attempt to recapture what it has lost or, alternatively, to launch some other type of war. Thus, the three-carrier agreement, successful thus far, can last only so long as the carriers agree to be satisfied with the percentage of travelers they now enjoy, and so long as the percentages do not, in fact, change.

It goes without saying that the three companies are in a difficult situation. Because they are prisoners of a competitive system, the managers

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have to compete. Any organized attempt on their part to stabilize market shares, or even to radically cut back on promotion and advertising, would be attacked as illegal collusion. Yet if it gradually were accepted that market shares should remain the same —for the sake of stability—and if it were recognized that the three carriers should be "locked in," it might also become evident that only one carrier could do the job better than the three, and at substantially less cost.

We already have one operating example of the potential that is there, the Eastern "shuttle" in the Boston-New York-Washington corridor. When one aircraft fills, the carrier provides another for passengers on hand at departure time. There are unusual cases where the additional plane takes off with only one passenger, but the shuttle system, on the whole, is more efficient than the routine practice on most routes of flying two airplanes, each half-empty. Instead of spending money on promotion and other typical competitive wastes (the shuttle hardly is advertised any more), Eastern provides stand-by planes and crews. While this is not cheap, it is a more functional expenditure than others currently associated with competition.

To be sure, the traveler pays more for the shuttle than he should, because the CAB allows fares on the shuttle runs that produce revenues far above the actual costs. Eastern officials privately admit that they feel compelled to make what they can on this profitable operation to help pay the cost of competing in other markets. They retain the proceeds from the shuttle's efficiency to finance such efforts as hiring Orson Welles to speak for Eastern in the media battle against Chet Huntley over at American.

The shuttle market is not the property of just one carrier, but Eastern does enjoy a high share of the business. If the share gets higher, advocates of competition will get restless. Yet, if competing airlines recapture large chunks of the market, the shuttle probably will have to be abandoned. A "truly competitive" system would mean an increase in the total number of planes flying, most of them with a lot of empty seats, and in a sky already overcrowded. If one begins with the premise that empty seats should be flown *only* when necessary (one way of looking at the shuttle), it is clear this can work only in a monopoly or, alternatively, where competitors have an agreement to limit frequency, e.g., New York-San Francisco.

The basic rule for a redesigned system might be that each route (city-pair in CAB jargon) be serviced non-stop by a single airline. The CAB would manage *indirect* competition, comparing the performance of carriers in similar situations. This approach actually could give us a larger number of airlines than we have now, but not locked in a struggle for the same non-stop passenger. The exact number of airlines would depend upon the efficient design of route systems, including the allocation of less-profitable routes.

Surely it should be possible for the CAB to experiment by assigning specific city-pairs to individual companies, simplifying reservation systems, then looking at the results. Admittedly, even the hint of monopoly leads to widespread and reasonable fears. It becomes important, therefore, to distinguish between a monopoly of operation and monopoly of *authority* over the operation itself. The major evil of historic monoply was the authority it gave those having monopoly power to restrict output so as to achieve the highest profit. Conventional economics gives us the competitive system to insure increased production to the point where overproduction would drive down price. But at that point it has failed, and it is likely to do so in the future. This suggests some larger questions about the conventional wisdom.

The call for more competition and less government intervention is ironic, coming as it does from liberals whose

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main thrust over the past 50 years has been toward more public control, even toward nationalization of some industries. In the case of regulated industries, the bureaucracy of regulation apparently has done for government control what the robber barons did for bronco capitalism, as government control now has a bad name all across the political spectrum. The double irony is that a great many economists who write about individual industries such as airlines seem not to notice that price and wage controls are with us and are not likely to disappear. They continue to argue that we should de-regulate and break up big industry so that capitalism, which has been known to give the little person some hard times, can now give him a fair shake.

Backing Into Henry Ford

There is considerable ambivalence about competition, however, and we see its effects very differently in various situations. For *big* business, we find that more competition is a good idea, without proven ill effects, a boost for consumers, and supported by the traditions of progress and property rights. But for *small* business, most people, and the poor, we feel that capitalistic competition is cut-throat and callous, feeding the power complexes and insecurity of the population, undermining the search for cooperation, and building a crazed, material single-mindedness that leaves no room for human values or the quality of life. Although competition is touted as the instrument of liberal reform, it is still something you do not wish on your friends.

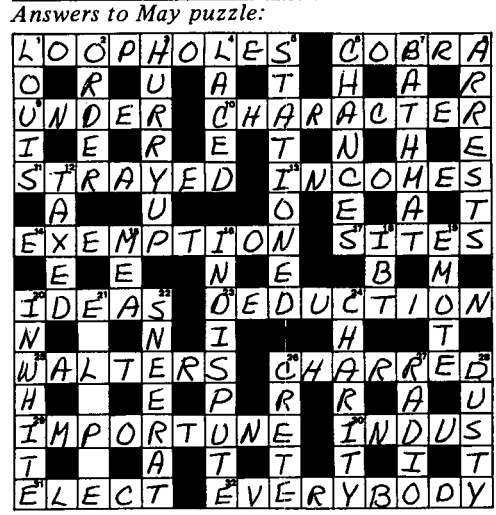
All the confusion is not helped by spokesmen who advocate more competition for many industries, from autos and airlines to sports teams and razor-blade companies, but simultaneously call for more public control over them. While it may be possible to combine these ingredients to some extent, as we have tried to do with the airlines, there is obvious difficulty in moving back toward competitive free enterprise and toward socialized controls at the same time. It is sheer nonsense to argue for breaking up the auto industry so that the companies can engage in corner-cutting, dog-eat-dog competition, and simultaneously to argue that consumer, labor, and public representatives be on the board of directors of every company, where they can then compete against themselves in "their" other companies.

Admittedly, the objectives of those who shout for more competition are humane, at least on the surface. The idea usually is to lower profits and prices, to help the poor, and to trim the rich. The motive is an attractive one, but the theory and rhetoric are straight out of Henry Ford. The theory ignores the fact that competition naturally produces some very rich winners and some very poor losers. It simply is not good enough to assume that frequent failures among airlines would be acceptable as the "readjustment" which inevitably accompanies market progress.

The Monolith

Instituting open competition among the airlines could produce an end to air service on many routes in the country, those which do not generate enough passengers to be profitable. Under the current system, the

Answers to May puzzle:



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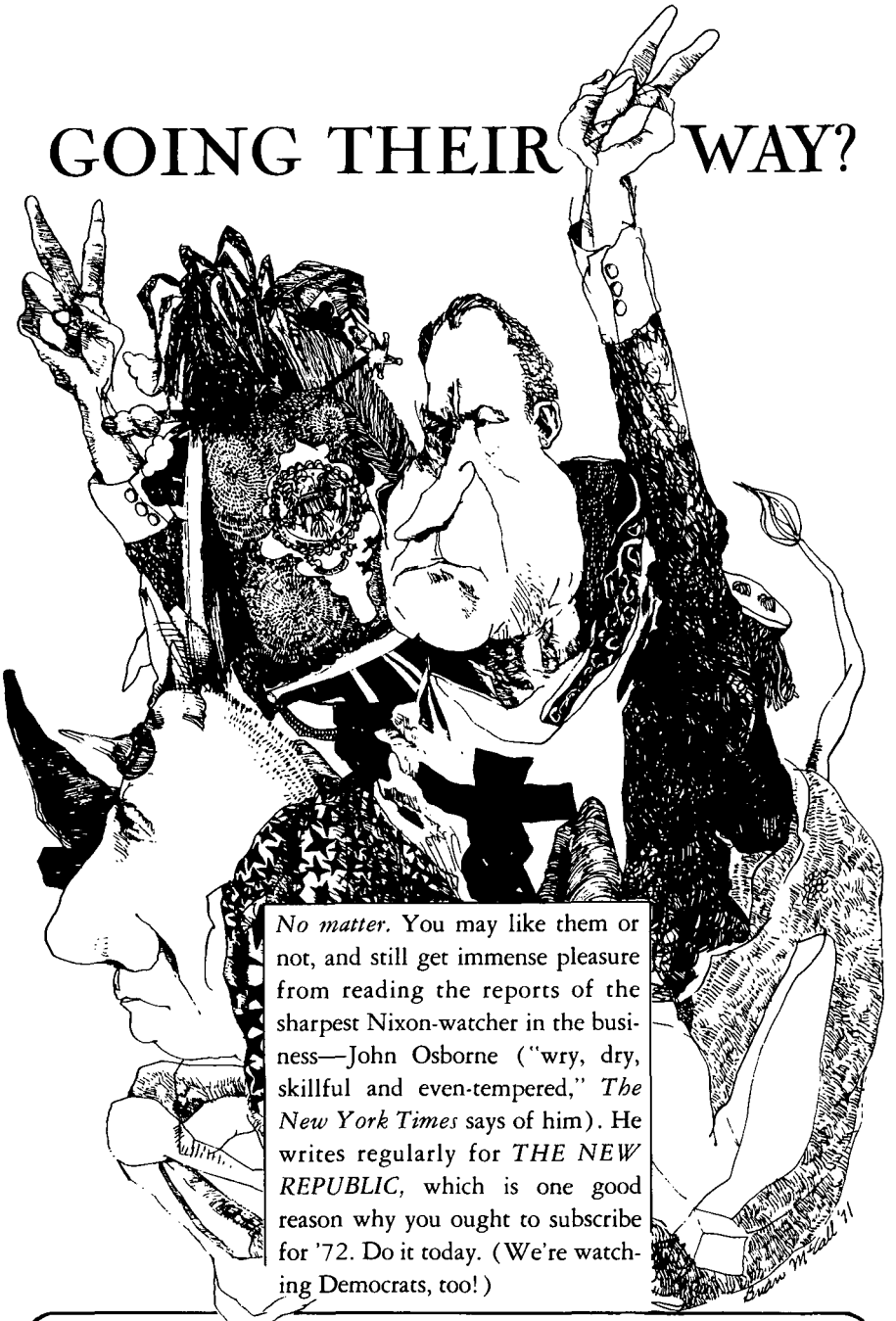
GOING THEIR WAY?



No matter. You may like them or not, and still get immense pleasure from reading the reports of the sharpest Nixon-watcher in the business—John Osborne ("wry, dry, skillful and even-tempered," *The New York Times* says of him). He writes regularly for *THE NEW REPUBLIC,* which is one good reason why you ought to subscribe for '72. Do it today. (We're watching Democrats, too!)

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fares on the profitable routes (between the largest cities) produce an "internal" subsidy which permits passengers to travel from Jackson, Mississippi, to Tulsa, Oklahoma, at comparable fares. What actually happens, of course, is that the competitive waste from all the scrambling for passengers on the good routes eats up the subsidy for the "charity" runs.

The advocates of pure competition say simply that there should be no service on unprofitable routes, because the market isn't there. Cutting off these routes would cause powerful political rumblings, of course, just as neighborhood groups complain when a city bus company eliminates stops that do not show a profit. The milder de-regulators argue that the government should subsidize the unprofitable routes directly, instead of relying upon the "internal" subsidy. On the surface, this makes sense, but a direct subsidy would not be manageable in the absence of a clear standard for fixing the subsidy. This would seem impossible unless the aircraft on other routes were virtually full, which cannot happen in an open market.

Mixed up in all of this, finally, is the complex world of international aviation. The airlines of other countries (most of them are nationalized) fly U. S. aircraft, many of them sold at favorable prices through the Export-Import Bank. This keeps the aircraft industry from collapse (the military bails out Lockheed), but it also gives other countries an argument for keeping fares high enough to pay off the loans. The same characteristics of competitive behavior occur internationally, however, and the competition is enormous. It is safe to predict that the current "charter war" which pits the supplementals against the international-flag carriers ultimately may have to be settled by diplomatic negotiations, for we cannot afford to have foreign airlines defaulting on loan payments.

All things considered, then, the CAB and the three airlines deserve some praise for taking a hesitant step toward sanity. Conventional economists are uncomfortable with the step, since they are still drawing on blackboards everywhere their assumption-laden models of free enterprise. Admittedly, the so-called "pure market" remains the most intellectually rigorous tool we have developed on paper. An economy based on politics would defy a computer model, at least until some new theories mature. The economists have been allowed to stay close to the purely competitive model because liberal reformers are enamored of competition as a weapon against the rich.

The ultimate irony is that competition forces producers to be secretive and to jealously hoard their own authority. This is what frustrates most efforts for consumer and other public participation in industrial decisions, and for public control in general. Environmental and resource limitations ultimately will force us to realize that overproduction is the fatal flaw in the logic of competition for a host of industries, impairing the usefulness of both market and reformist economics. Market economists retain the faith that people displaced by competition can be taken care of by future growth, but they will have little to contribute to a world in which perpetual growth becomes impossible or undesirable. All their faith will give us is a growing unemployment rate and more people in hollow jobs.

Much of contemporary capitalism is simulated, with the appearance of competition preserved so that the companies can retain their private authority and some of their private benefits. Although most of us do not like Galbraith's bureaucratic monoliths in the economy, it is better to accept them and learn to deal with them than to persist in the futile effort to resurrect competition. One of these days it will be clear to the reformers that their quest for public involvement and participation is compatible only with a non-competitive economy, which may have to be global. □

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VIEWS OF THE PRESS:

The Bigotry of Liberal Magazines

by Eunice Corfman

The Washington *Post* recently gave editorial-page space to a troubled and searching article by Ben Bagdikian, assistant managing editor, revealing an escalating behind-the-newsprint clash between *Post* editors and eight black reporters on the metropolitan reporting staff, which has resulted in legal action and counteraction. The article triggered this inquiry into the performance of some of the national liberal magazines. The magazines investigated were *The Atlantic Monthly*, *Harper's*, *The Nation*, *The New Republic*, *The New York Review of Books*, *Ramparts*, *Saturday Review*, and *The Washington Monthly*. They range in circulation from 30,000 to over 300,000, from minimally-staffed to quite large, from financially up-against-the-wall to making it.

Eunice Corfman is a Washington writer.

Among contributors to these liberal magazines, the proportion of women is small and that of blacks or other racial minorities is vanishingly so. Among editors who determine what topics will have access to print, the number of women is even smaller, and that of blacks or other minorities is zero. These facts are stinging in relation to the confidence and trust that readers have invested in these magazines.

Charges of racism and sexism are sometimes thrown about these days with quick abandon. But the terms have a tolerably common, precise meaning when they are used to make the claim that within an organization, liberal intentions notwithstanding, there exists de facto numerical under-representation of blacks or other

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racial minorities or women, and usually the further claim that the higher in the hierarchy of the organization, the more drastic the underrepresentation.

In liberal magazines, the charge of discrimination is not only that women and blacks are grossly underrepresented as writers, but that editors, whose taste, judgment, acumen, and sensitivity determine who shall have access to publication and what is important to write about, are for the most part aging, middle-class, white males, whose perception is formed within a parochial circle of acquaintances and contacts who are very much like themselves.

These editors were asked two questions: Over a sample four-month period from January through April, 1972, of all contributors of signed articles, what proportion were women or black? What proportion of editors who determine access to print are women or black? All of the editors were invited to elaborate on why their records were what they were. I took these comments to be at least as significant as the raw "box scores," for they revealed some of the intractability of the problem.

Some may object to the meat-cleaver statistics in the box score below. They are clearly not the whole story and to that extent are misleading. But what leaps to the eye is the virtual absence of blacks (or other minorities) among both contributors and editors. *The Atlantic Monthly* is the only magazine with a black contributing editor. So much for all the editorializing about how ill and impoverished the body politic is for excluding blacks from its mainstream. *The New Republic* registers an appalling zero for a black or woman editor of any kind. The total percentages reveal how far short of proportional representation all the magazines fall.

'Should I Have Called Ebony?'

Let us hear editors speak for themselves. At *The New Republic*, Gilbert Harrison is managing editor. A long editorial in the last December 25 issue, "Goodwill Towards Women," which I had taken as a significant commitment, called Nixon a male chauvinist and conceded that *New Republic* editors were, too. In an interview, it was dismissed by Harrison, however, as written with an irony and playfulness NR subscribers were too humorless to recognize. At least one humorless NR staff member concurs that the issue does not seem particularly important to Harrison.

Nevertheless, Harrison readily concedes that there should be more black and female contributors. The problem with black contributors is that they are difficult to find when the criterion of acceptance is excellence. Articles may be promised and then not delivered for one reason or another, and of the manuscripts submitted, the rate of failure is high. "No, we haven't been beating the bushes," Harrison says, "but we're aware there aren't enough black and women contributors. We do make an effort to solicit, but not a lot. When I want something written, I

Contributors (Jan. through April, 1972) — Legend: Women—W, Blacks—B

	Articles, Fiction, Poetry			Book Reviewers			Departments			Total %		Editors			Contributing Editors		
	Total	W	B	Total	W	B	Total	W	B	W	B	Total	W	B	Total	W	B
Atlantic Monthly	40	4	1	23	5	0	13	2	0	14	2	9	4	0	10	2	1
Harper's	35	4	1	-	-	-	25	1	0	8	2	5	2	0	5	1	0
Nation	86	12	0	145	25	1	-	-	-	16	0.4	3	0	0	6	2	0
New Republic	130	8	0	38	2	1	-	-	-	6	0.6	2	0	0	9	0	0
New York Review	16	2	0	46	7	0	-	-	-	15	0	2	1	0	1	0	0
Ramparts	39	6	0	-	-	-	10	1	0	12	0	5	1	0	18	1	0
Saturday Review	157	24	0	174	22	1	142	0	0	13	0.3	8	4	0	-	-	-
Washington Monthly	24	6	0	-	-	-	-	-	-	25	0	4	1	0	10	3	0

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think who can do it well. The market known to NR is mostly male." Precisely.

As for the editors, the circle is even more closely circumscribed, though in the past it has included women. Most of *The New Republic*'s contributing editors are people who have repeatedly submitted manuscripts, finally had them accepted, and over time become relied-upon for a particular specialty. Sheer persistence in a buyer's market appears to be a necessary condition for elevation to contributing editor, and blacks and women have not survived this long winnowing process toward elevation. (I want to insert a caveat here about possible sour grapes. I have a modest pile of NR rejections.) Relying on editors to emerge by this route, though convenient, puts a high premium on doggedness and seniority—serviceable virtues usually more valued in mortgage bankers than in liberal journalists.

At *Harper's*, within the last few months, radical editorial reorganization has occurred, and it's too early to say what changes will be lasting. Managing Editor Lewis Lapham objects that a box score based on a four-month span isn't fair to a monthly—the June issue alone, for example, will have four long articles by women, while the box score gives credit only for a four-month total of four. During the span, only one article by a black was published. Pieces have been assigned to blacks, four within the last six months, but haven't come back usable. It was not a question of content but a lack of writing ability.

Editorially, four men and two women ultimately determine what will appear in *Harper's*, and Lapham insists it is a very much a non-autocratic, pooled procedure. Three readers, all women, have considerable authority in preselecting and making judgments not only about the slush manuscripts, but solicited ones as well. No black is either an editor or reader. The New York literary market is glutted with laid-off editorial talent. The main criterion in restaffing a few editorial slots from among dozens of applicants (no blacks applied) was experience. "Should I have called *Ebony* and asked?" Lapham wondered, rhetorically. But as we both thought about it, it didn't seem such a bad idea.

Open Letters, Closed Doors

William Honan is the new managing editor at the even more recently reorganized *Saturday Review*, now subdivided into specialized supplements, each with its own staff. A book review editor and a supplement co-editor are women (as are several of the second- and third-rank editors, some of them promoted up from secretaries, the rank at which many overeducated women have lived out their careers in publishing). According to Honan, masthead title-levels are no sure index of contribution. To maintain a seat at the weekly editorial conference table, you have to come up with two new article ideas per week, whatever your title. Honan is looking for black editors because he believes the black viewpoint ought to be heard at the weekly council table, but they are hard to find, partly because able black writers prefer writing to editing.

Robert Hatch, executive editor of *The Nation*, is another who objects with some justice to the four-month box score span. In this case, I do not believe a quantity count of contributors for any span is fair to the early and open hearing *The Nation* has given emerging issues before they were popular: James Baldwin's first published manuscript, among the first pieces on women's lib, contributions by American Indians and Chicanos. Though all three senior editors are male, three of four past literary editors were women, and Freda Kirchwey edited the magazine for many years. Presently, only the dance critic and a sporadic UN correspondent are women. No blacks are or have been editors. Hatch claims not to be embarrassed by this, the staff is small and not that much hiring goes on. He and

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Carey McWilliams have been *The Nation*'s editors for over 15 years, so that the literary editor slot is the only editorial position open to rotation. If the best available person is female, the box score looks good—and if male, it swings to very bad.

Barbara Epstein, co-editor of *The New York Review*, was the only editor who did not wish to be interviewed, perhaps because the *Review* has been burned by a spate of critical articles over the last year. The editorial box score—15 per cent women and no blacks—seems to be a fair reflection of contributors over the past two years, although in 1966 the *Review* published Stokely Carmichael's "What We Want," and in 1971, James Baldwin's "Open Letter to Angela Davis" and a book review by a black. Ms. Epstein gives the *Review* proportional sexual editorial representation.

The Atlantic has perhaps the most impressive current track record of all the magazines considered here. Black contributing editor James Alan McPherson's long article on the Lawndale Contract Buyer's League in the April issue is a paradigm of close, investigative reporting that could be one kind of model for other journals. This article is not the result of looking for some black to tack on the masthead—managing editor Michael Janeway disowns quota-picking arguments. The magazine's subject matter has been divided into areas and the best available writer assigned. But an additional premise has been that the best will include blacks as well as females, and the representation has followed. Editorially, men occupy the top layers and women the lower ones, but Janeway claims that though Editor-in-chief Robert Manning makes final decisions, all levels of editors participate to some extent.

Dismal White Power

For *Ramparts*, the box score is somewhat misleading. The magazine was crucial in bringing the Black Panthers to prominence, and, for a time, Eldridge Cleaver was an editor. Former *Ramparts* editors were instrumental in helping Bobby Seale, Huey Newton, and Cleaver put together their books. Of the five editors that make editorial decisions, one is a woman.

Ramparts editor Peter Collier doubts the premise he believes implicit in this article—that it is possible or desirable at this time to have a representative, integrated magazine staff with any degree of political common cause. *Ramparts* cannot now attract blacks, who are not busy at integration.

The Washington Monthly is notable not only for the percentage of women contributors, but also for the heretical views of chief editor Charles Peters about how to hire an editorial staff. Now there are three editors besides Peters, two men and a woman, all still in their twenties, all contributing writers, none with prior editorial experience. For Peters, what's wrong with recruiting in publishing is an unwillingness to make editorial gambles on what looks like talent, regardless of experience. Some writing samples and a brief working tryout period are worth any amount of impressive curriculum vitae. You look for people who believe in the objectives of the enterprise and share its ideals and values—and let them stimulate each other.

The *Monthly*'s record on minorities, however, is dismal. So far, no black has been invited to try out for an editorial position, though there has been one black applicant and one temporary training-intern. And no black has ever made it into print.

The Quality Problem

What are the arguments against discrimination as it shows up in these journals? To begin, of course, there is the matter of hypocrisy in advocating things on the magazine's pages that you don't reflect in the masthead. It is legitimate to expect deeds to fit words.

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There is also the second argument that blacks and women are entitled to compete for writing and editing jobs and that they are now hindered in doing this by racist and sexist discrimination. They cite de facto underrepresentation as evidence. The connection between the charge and the evidence is ambiguous and should be examined. Few editors these days would admit to overt discrimination, most would deny they discriminate at all. Asked to explain de facto underrepresentation, editors can make several replies.

They can say that excellence is their sole criterion in hiring, judging submissions, and making assignments; and that blacks and women just don't, or don't yet, cut the mustard. But we have grounds to be suspicious. The fact that people can be shown to discriminate unawares suggests that editors, even though sensitive to giving blacks and women their due, may likewise discriminate in favor of white males like themselves.

There is a further rejoinder to the editor who claims that he accepts only what is excellent, without discrimination: it is legitimate to ask whether the list or circle of writers he uses for assignments also shows de facto underrepresentation. If it does, he preselects who will be invited to display excellence. Most editors candidly admit that when they have a subject in search of a writer, they start calling their recognized regulars, their friends, and friends of friends. This process is understandable, but the limitations are obvious and troubling.

A second reply an editor can make is that de facto underrepresentation occurs because blacks and women make proportionately fewer submissions to him and that he can hardly be faulted for not publishing excellence that is not submitted. But this leaves unasked whether blacks or women would submit in greater number if they thought their chances were better. If a field is massively dominated by white males, then few blacks or women will think seriously to aspire to it. Thus, fewer will enter and be successful, and it will be even more massively dominated by white males.

A third reply an editor can make is that there is nothing wrong per se with underrepresentation. It is only when it is linked with a quota concept that it appears wrong and the quota idea is a spurious one, reduced to absurdity by showing that new classes of underrepresented attributes—Poles, Midwesterners, day laborers, and so on—can always be introduced no matter how many quotas are filled.

The Equal Opportunity Idea

It seems to me correct that de facto underrepresentation is not itself proof of discrimination, but that linked with other claims that appear true, it becomes a useful index of discrimination. (Consequently, a rough quota objective isn't unreasonable for a while.)

Consider the fact that someone whose work is personally known, experienced, reputable, is far more likely to be given assignments than someone who is none of these, and that the former group is overwhelmingly white and male. Link in the fact that discrimination is often unconscious and favors those most like oneself. Link in all we have learned in the last decade about social conditioning and the relation of image and expectation to performance. The force of these added considerations is that in the case of blacks and women, underrepresentation has occurred in liberal magazines *because of* discrimination. If this is so, it's a reason for cutting it out.

Blacks and women may have a special competence, and liberal journals may become narrow and self-defeating by ignoring it. Sometimes the notion is simply that where the subject matter is blacks or women themselves, the article should be written by a black or a woman. Thus, ghetto-rioting for a black and daycare centers for a woman are reasonable

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writing assignments. It is not difficult for an editor to chip away at this argument—you might need a black to go where a white face isn't safe, or a woman to do the actual babysitting, but to write about causes of rioting or daycare legislation, you need a honed analytical mind, command of presentation, perspective, some political savvy, and you don't always get *that* from your blacks and ladies. Or an editor might concede the point, realizing that rioting and daycare are only sporadically important issues, and it's noblesse oblige to give away a few assignments.

A more intrusive form of argument is that blacks and women may have a special view or special preoccupations about almost any issue—war, work, welfare, foreign policy, anything. Implicit in this is the radical and threatening intimation that there may be distinctively white or male preoccupations buried in the mass of journal writing now overwhelmingly written and edited by white males. This argument, here only adumbrated, suggests that to be white and male is to be different in sensibility and perception from lots of other people. And this in turn suggests that editors, in selecting what and who shall have access to print, are not at all the impartial distributors of rewards of space in proportion to excellence, but in still unrecognized ways are predisposed and partial beings like the rest of us. They are biased and value-conditioned and molded by their whiteness and maleness—sensibilities which somehow define part of what we perceive and what we are, and which leach into the sensibility of the rest of us. And this suggests that liberal journals could become the places where diverse sensibilities are pooled, brought to awareness, the white male's being one among others. To the extent that this argument, fully developed, is sound, it is strong grounds for actively soliciting black and women writers and editors.

This takes us into the heart of editorial responsibility. It is by no means clear, to me at least, how the ambiguous claim, "As an editor, I'm responsible for what appears in my magazine," ought to be interpreted. Consider the range of kinds of possession implicit in this string of expressions: "My God, my country, my views, my friends, my wife, my crew, my stamp collection, my garden, my old slippers." For an editor, where along this mixed spectrum does "my magazine" fit? Is a liberal magazine for general readers a sacred trust where an editor's autonomy is virtually nil, or a pair of slippers to be used virtually as he darn well pleases, or what in-between? I wish I were surer in my own mind. Then it would be clearer what claim uppity blacks and females have upon him. Are *they* a constituency of his sacred trust deserving representation, or not? Does his responsibility to his magazine include a paternalistic resolve that only what he approves shall appear in it? Only what is within his ken? Only what meets his standards of excellence and relevance?

For example, *The Washington Monthly*'s editorial premise is that it is an "advocacy" magazine, printing nothing that its editors would not stand behind. To some extent, there is a conflict between advocacy and representation—between the desire of these magazines to pioneer their own beliefs and passions on the one hand, and their desire to expose their readers to a widely representative spectrum of comment on the other. This is a difficult question, for there must be points at which an editor's right and desire to express "my views" runs into the demand that he make the magazine representative of different perspectives and attributes on the part of writers. Editors may feel threatened when the focus shifts from their own right to speak out to the exclusionary result this engenders, when the spirit of the First Amendment seems to clash with that of the Fourteenth.

Advocacy magazines are in the tricky position of not wanting their readers to be limited to the same kinds of people as their writers. No

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magazine wants just men or whites to read it—and yet, if advocacy should be a kind of shared discourse between a magazine and its readers, between people of common concerns, no editor should be comfortable admitting that neither blacks nor women can be found to express "our views." If their views are that culture-bound, then perhaps the readership should be equally selective. Editors deny such boundaries, of course, returning to the quality problem, which in turn raises the "circle of friends" limitation and the other reasons why white male magazines tend to perpetuate themselves.

The editors' quality argument is at least partly genuine. But this argument also raises some of the thorniest questions, which deserve thought. Does the narrow makeup of an editorial board render it incapable of making fair judgments, free of cultural blindnesses, about the quality of writing or expression in articles? More importantly, can such a board make fair judgments about the quality of ideas? When businesses were first accused of discrimination in hiring, they replied that their standards were adequate and that they alone could objectively evaluate the quality of their employees' work. This defense was gradually beaten down, as the law said that the same quality could be achieved with a representative work force, given our assumptions about race and sex, and that underrepresentation is a sign of discrimination. The cars rolling off equal opportunity assembly lines don't seem of lower quality.

Magazines which go through the same process might find phrases and ideas and expressions of equal quality rolling off the presses of equal opportunity editorial boards. Discrimination in the realm of ideas may well be an impossible territory to chart, since it is difficult to measure quality of thought. But if such discrimination exists, our belief in the power of thought and ideas should make it an even more invidious bias.

Morsels for Nourishment

For editors who want to find more women and minority writers and editors, here are some suggestions that might help chip away at underrepresentation:

1. More affluent magazines sometimes offer a "kill fee" for assigning an article, even though it may turn out unpublishable, to pay the writer for his time and effort and expenses. Editors could use this device selectively to make assignments to promising blacks and women.

2. Foundation money could be solicited by editors for target recruiting and subsidizing. Jules Duscha's Washington Journalism Center and Philip Stern's Fund for Investigative Journalism might be two places to start. An immediate objective would be to broaden the circle of writers an editor uses in making assignments by making "gamble money" available.

3. Literary agents could see to it that a portion of their "stable" is black and female, undertaking the process of making them knowledgeable about the market, persuading editors that they ought to be more hospitable, and introducing the work of specific writers to them.

4. Finally, since beyond reading what is directly submitted to them, editors are too busy to spend much time in affirmative recruiting or canvassing to enlarge the circle of good black and women writers they know about, one aid might be to draw up an open-ended list of such writers, what they've written, and how they can be reached. I'm working on one that I hope will be ready in a few weeks for editors to use.

In all of this there is a point begging to be made explicit: journals, too, must be qualified or they bilk the confidence and trust of readers. To claim, under the conditions described here, to be a liberal journal is to offer a product to readers that is mislabeled, falsely merchandised, and, in the end, undernourishing. □

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POLITICAL BOOK NOTES

Public affairs books to be published in June.

America Can Make It: A Senator Rejects Safe Politics. Sen. Abraham Ribicoff. Atheneum, $6.95.

American Nonpublic Schools: Patterns of Diversity. Otto F. Kraushaar. Johns Hopkins, $10.

Anatomy of an Undeclared War: Congressmen and Others Respond to the Pentagon Papers. International Universities Press, $8.95.

Bella! Mrs. Abzug Goes to Washington. Mel Ziegler. Saturday Review, $7.95. A disappointing book from the promising Representative. The emptiest ego trip since *I, A Woman.*

Black Tide. Robert Eastman. Delacorte, $10. A thorough, intelligent account of the controversy surrounding the Santa Barbara oil spill.

Challenges for Business in the 1970s. The editors of *Fortune.* Little, Brown, $6.95, $2.95.

Citizen Power. Sen. Mike Gravel. Holt, Rinehart & Winston, $6.95. Like Gravel himself, this book is a mixture of eloquence, insight, and real clinkers. After arguing that our "overconcern with employment is harmful," giving us porkbarrel jobs and meaningless work, Gravel concludes that we should reexamine our attitudes on wealth and work because "it is the way to stay rich and powerful."

Cops and Rebels: A Study in Provocation. Paul Chevigny. Pantheon, $7.95.

Counsel for the Deceived: Case Studies in Consumer Fraud. Philip Schrag. Pantheon, $5.95. New York City's first counsel for consumer rights spins out excellent tales of fraud, detailing how he became mired in litigation and hopeless trivia in trying to do something about them. Reader depression is relieved by his humor. A convincing brief for a consumer class-action bill.

Several passages capture the culture of bureaucracy. For example, the author tells of his visit with Hebert Schwartz, the grizzled old man in charge of writing job specifications for the New York civil service. Schrag had written job descriptions to attract lawyers interested in consumer affairs, but Schwartz objected:

"We can't have people like that working for the city. We want career people, who will stay 20, 25 years, not these kids on their way through. Ya know why?"

"Actually, I don't," I admitted.

"Because in just one or two years they don't build up any equity in the pension fund."

Now I was mystified. "So what?"

"We don't want people with no equity in the pension fund," he said. "We want people who build up 10, 15 years equity, a substantial amount of money due them from the pension fund."

"But what difference does that make?"

Schwartz answered slowly, beating his words out with one finger. "A man with 10 years' equity in the pension fund doesn't put his hand in the till, 'cause he can lose his pension rights."

"But these young lawyers aren't thieves!"

"Everyone near the till is a potential thief," said Schwartz. "That's why we have civil service. We lock 'em in; they have to stay with the city forever."

Crisis in Watertown. Lynn Eden. Univ. of Michigan, $6.95. An absorbing account of the polarization of a community.

Dark Horse. Fletcher Knebel. Doubleday, $7.95. A novel about what happens when a presidential nominee dies three weeks before the election. The book's leading character is suggested by Harold Hughes, its key incident by Chappaquidick.

Doctor Spock: Biography of a Conservative Radical. Lynn Z. Bloom. Bobbs-Merrill, $10.

From the Dead Level: Malcolm X and Me. Hakim A. Jamal. Random House, $6.95.

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series of three: **Reform of Metropolitan Governments; Minority Perspectives; Metropolitanization and Public Services.** Lowdon Wingo, ed. Johns Hopkins, $2.25 each.

The Greedy War. James Hamilton Paterson. McKay, $5.95.

In Critical Condition: The Crisis in America's Health Care. Sen. Edward M. Kennedy. Simon & Schuster, $6.95. These moving stories from individuals who sat for hours in emergency rooms, or watched relatives die for lack of medical attention, or were forced into bankruptcy by enormous doctor's bills seem out-of-place in the congressional hearing from which they are derived. They bring out the tragedy lost somewhere inside the numbers—hospital charges paid today are 170 per cent higher than they were in 1960.

Inside the Money Market. Wesley Lindow. Random House, $15.

The Investigation of Ralph Nader: GM vs. One Determined Man. Thomas Whiteside. Arbor House, $7.95. If Ralph Nader seems paranoid, this book about the GM surveillance episode explains why.

Journeys. Sen. Edmund S. Muskie. Doubleday, $5.95. The book that Muskie wrote to help him get elected is the best statement yet of why he failed in the primaries.

The Love of Possession is a Disease with Them. Tom Hayden. Holt, Rinehart & Winston, $5.95, $1.95. A tiresome, short book on the war.

Medina. Mary McCarthy. Harcourt Brace Jovanovich, $2.45.

A New History of Leviathan: Essays on the History of the American Corporate State. Murray N. Rothbard and Ronald Radosh, eds. Dutton, $3.45.

A New Isolationism: Promise or Threat? Robert W. Tucker. Potomac Associates/Universe, $6, $2.25. Isolationism isn't respectable, but this highly intelligent book makes it sound pretty good.

A New Road for America: Major Policy Statements March, 1970 to October, 1971. Richard M. Nixon, compiled by Richard Wilson. Doubleday, $10.

The Nixons: A Family Portrait. Edwin P. Hoyt. Random House, $7.95.

O Congress. Rep. Donald Riegle w/ Trevor Armbrister. Doubleday, $7.95. Known in the House as a kind of super-ambitious guppy, Riegle delivers a remarkably candid portrait of himself in the midst of personal upheaval: "For most of my life, I've been caught up in a cycle of endless activity, driven by other people's expectations of me and by my own desire to excel. . . I could listen to beautiful music and never really hear it, sit down to a wonderful meal and go through the motions of eating but never really taste it. I didn't really care what I ate or even if I ate at all. It was all action. . . I would brashly admit, 'I'm here to try to do an outstanding job,' and 'Yes, I want to move up the ladder'. . . I don't say these things any more. . . ."

Those who know him may find that hard to believe. In any event, a surprisingly good book.

On the Other Side. Kate Webb. Quadrangle, $6.95.

The Pacific Rivals: A Japanese View of Japanese-American Relations. Staff of *Asahi* newspaper. Weatherhill, $10.

Pay-Off: The Role of Organized Crime in American Politics. Michael Dorfman. McKay, $6.95.

The Politics of Electoral College Reform. Lawrence D. Longley and Alan Braun. Yale, $10, $2.95.

A Political Education. Harry C. McPherson. Atlantic Monthly, $12.50. A thoughtful book by the Johnson assistant who was number-one speech writer in the post-Goodwin era.

The Presidential Character. James David Barber. Prentice-Hall, $10. This book grew from a paper prepared by Professor Barber for the 1969 meeting of the American Political Science Association and published in the October, 1969, issue of *The Washington Monthly*.

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Private Faces/Public Faces. Abigail McCarthy. Doubleday, $8.95.

Proxmire. J. G. Sykes. Luce, $6.95.

Psychopaths. Alan Harrington. Simon & Schuster, $7.95.

Return to My Father's House: A Charter Member of the American Communist Party Tells Why He Joined—and Why He Later Left to Fight Communism. Maurice Malkin. Arlington House, $8.95.

Roosevelt, New Jersey: Big Dreams in a Small Town and What Time Did to Them. Edwin Roskam. Grossman, $7.95.

Sahib: An American Misadventure in India. Carl Pope. Liveright, $6.95.

A Sense of the Senate. Seymour Freidin. Dodd, Mead, $6.95. A terrible book of disjointed Senate gossip, building to this conclusion: "Just remember the name: Bob Byrd of West Virginia. Other senators may indulge their driving ambitions to become President, but Bob Byrd thinks and works every minute toward being majority leader. It is not so wild a dream but a real sense of the Senate."

The Skill Factor in Politics: Repealing the Mental Commitment Laws in California. Eugene Bardoch. Univ. of California, $10.

The Strike: For and Against. Harold H. Hart, ed. Hart Publishing, $7.50, $2.45.

Teachers and Power. Robert J. Braum. Simon & Schuster, $7.95.

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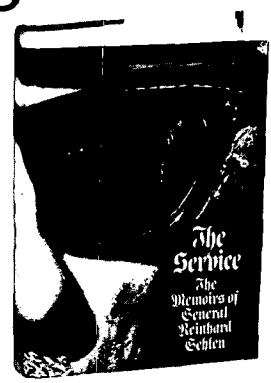

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